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UNIVERSITY OF ALBERTA

ALBERTA LABOUR LEGISLATION UNDER THE SOCIAL CREDIT GOVERNMENT: 1935 - 1947

BY
ELAINE FRANCES GEDDES

A THESIS
SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTER OF LAWS

FACULTY OF LAW

EDMONTON, ALBERTA
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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled ALBERTA LABOUR LEGISLATION UNDER THE SOCIAL CREDIT GOVERNMENT: 1935 - 1947 submitted by ELAINE FRANCES GEDDES in partial fulfilment of the requirements for the degree of MASTER OF LAWS

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Date:

To my children, Kristin and James,
and to my father, Eric A. Geddes,
whose love of Alberta's history has inspired my own,
and whose private library has assisted my research.

ABSTRACT

Alberta's Social Credit government was elected in August, 1935, at a time when labour legislation consisted of a handful of pieces of protective legislation and a rarely used arbitration act. By 1947, Alberta had the basic outline of the modern, sophisticated labour legislation it now possesses. That same period of time saw drastic changes in labour legislation across the entire of North America in response to numerous factors, among them the Depression and the Second World War.

This thesis traces the development of labour legislation in the Province of Alberta from 1935 to 1947. It explores how Alberta dealt with the continent-wide changes in labour legislation and examines the shift from a basically British common law system of labour relations to an American-style regulatory system.

The rise to power and election of the Social Credit in 1935 are briefly examined. There is some discussion of the Social Credit orientation towards legislation generally and labour legislation in particular. Attitudes towards workers and unions are discussed. The origins and development of Anglo-Canadian labour law until 1935, and American labour law of the New Deal era are examined. There follows a survey of the labour legislation enacted by the Social Credit Government from 1935 to 1947 with emphasis on the possible motivations and sources of input into that legislation. Dominion and other provincial legislation is contrasted where appropriate. Administration of the legislation and administrative structure are examined. Major labour disputes during the period are used to highlight problem areas and indicate attitudes of government, labour organizations and the general population. While previous writers have tended towards viewing the Social Credit as being highly conservative and holding a general anti-labour bias, in this thesis, the Social Credit Government is generally presented as progressive and enlightened on labour matters during this period.

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INTRODUCTION

The Social Credit Party came to power in Alberta in 1935 at a time when labour relations were just beginning to move towards the present system and away from 19th century ideology. The Social Credit Government oversaw the shift in legislation from a collection of basically minimum social welfare statutes to an integrated and sophisticated industrial relations system. They were 36 years in power, most of those years facing little strong political opposition. The Social Credit Party of Alberta came to power on promises of monetary reform, on promises to drastically alter the banking and credit system of, at least, Alberta and possibly all of Canada. Matters of the relationships between employers and their employees were not on their mind. The sole labour matter of any pressing importance in 1935 was unemployment. What mattered was getting people back to work, not regulating that relationship once it was established. Alberta was a community of farmers and those who serviced and depended on the farming community. Labour relations was not even of secondary importance.

Yet 1935 was a watershed time for labour relations and a new government would find itself faced with problems for which it had no ideological answers. There were continent wide changes in the making in the relationships between labour and management, in the goals and aims of organized labour, and in the legislative framework being developed to accomodate these changes. A Social Credit government was required to respond. Little of their response can be traced to orthodox Social Credit theory, either from the writings of the founder, Major C.F. Douglas, or from the early propaganda of the Alberta Social Credit Party. But much of the response can be traced to the underlying assumptions of Alberta Social Credit and the basic philosophy that led Albertans to the party in the first place.

In 1935, labour legislation in Alberta consisted of an assortment of mostly social welfare statutes of limited use and impact. By 1947, it had grown into the beginnings of a complicated and sophisticated system. The years between 1935 and 1947 were the formative years of the Social Credit government of Alberta, years of growth and change for Alberta and Canada. This thesis seeks to examine the labour legislation of Alberta over that 12 year period and explore the extent to which the ideology of the Social Credit party influenced the growth and development of Alberta labour laws.

Chapter one provides a brief overview of the rise to power of the Social Credit Party and the major theoretical tenets of Social Credit as they had a bearing on the employment relationship. This chapter examines the attitudes both of Major Douglas and

Mr. Aberhart towards labour in general and labour unions. It also provides some indication of the general attitude of the people of Alberta towards Social Credit.

Chapter two deals with the foundations of labour law in Alberta prior to 1935. Both the English common law and statutory foundations of the employment relationship are dealt with briefly as is the development of Canadian law from the nineteeth century. The law of the province of Alberta is traced from the first Factory Act to the Industrial Standards legislation of the U.F.A. government of 1935. Judicial opinions on the status and powers of trade unions are discussed.

Chapter three examines the labour legislation passed by the new Social Credit government in its first term, from 1935 to 1940. Material from a number of sources, much of it archival, has been used to establish the relationship between the government and interested groups such as unions, labour federations and employer associations. Wherever possible the sources of legislative input are discussed. This chapter also deals with the setting up of enforcement mechanisms, particularly those for the enforcement of minimum standards legislation, and with the origins of the Board of Industrial Relations. Labour disputes of importance in the province are dealt with as they illustrate legislative problems or solutions.

Chapter four deals with the war years from 1940 to 1945 and concentrates mainly on the growth and development of labour legislation during that difficult period. The response of the Alberta government to the war and the new conditions created by it is contrasted with the Dominion response, and in particular, P.C. 1003, the Wartime Labour Relations Regulations. Alberta at this time continued its propensity for going its own way in legislative matters rather than adopting the solutions of others. The continuing disputes in the meatpacking industry are dealt with in some detail as being illustrative of the confusion in jurisdiction at this time.

Chapter five is concerned with the adjustment required following the end of the war to a new post-war reality. The emergency provisions regarding labour relations were lifted and the provinces were required to lay out a new framework for post-war industrial relations. Alberta's preoccupation with jurisdictional questions is dealt with, as is the reluctance on the part of the government to allow any encroachment onto provincial authority. The chapter ends with the consolidation in 1947 of all labour legislation into the Alberta Labour Act, and the emergence of the powerful omnibus Board of Industrial Relations.

In conclusion, there is a discussion of the extent to which Alberta's labour legislation has been influenced by the ideological assumptions of the Social Credit Party

and the pragmatics of the existing political situation. The assumption that the Social Credit Party was regressive and reactionary in labour matters is seriously challenged by the evidence of their progressive and favourable legislation. The possible lasting contributions of the Social Credit in the labour field are considered.

CHAPTER ONE
THE SOCIAL CREDIT PARTY IN ALBERTA

The Social Credit Party in 1935 was an apparently radical party. Its appeal to Alberta voters was a radical one, its initial success its simplistic analysis of the Depression and equally simplistic proposed solutions. Like many radical parties that find themselves suddenly wielding power, the Social Credit Party backed down from radicalism and became in the main, a party of conservative pragmatists, a tendency reinforced by the death of the first leader, William Aberhart, and the succession of the second, Ernest Manning. The problem they faced in the years of government was a familiar one. How does a movement born out of protest and defiance actually face the dilemma of governing? It could easily be argued that, but for a strange combination of circumstances, Social Credit would have remained a fringe group. But they did take power and unless they had been willing, almost literally, to take up arms to defend their reforms, they had to back down from them. In their monetary and economic policies, they had, eventually, to compromise. As W.L. Morton says

> To compromise, no doubt, is to corrupt - to corrupt the simplicity of principle, the clarity of policy - but if so, then all politics corrupt ... To this conclusion all purists, all doctrinaires, and all Progressives, must ultimately come or abstain from power. (1)

But this was not an issue when they were first elected in 1935. Then, there was only blind optimism and confidence. They could change the world and the times were favourable to such an appeal. It was an appeal heard by all the dispossessed and the unsatisfied. As a radical party, Social Credit had attracted its share of labour votes and support and hopes ran high in the beginning that Social Credit would prove sympathetic to labour aims. (2) The major supporters of the CCF hoped too that Social Credit would emulate their policies and ideologies. (3) But Alberta Social Credit always went its own ideosyncratic way. When it came to labour matters and labour policies, the Social Credit Party had the luck of starting with a clean slate. There was little legislation currently on the books, and there was little in the way of official policy on the subject. Their economic ideology dictated no particular approach to labour and thus they were free to improvise and adopt measures as they went along.

On a fabled summer evening in 1932 in a quiet room in St. Stephen's College at the University of Alberta in Edmonton, the fiery evangelist William Aberhart read for the first time a booklet on the Social Credit economic theories of a little known Scottish

engineer, Major C.F. Douglas. (4) The book was Unemployment or War by Maurice Colbourne, a Douglas adherent, who argued that his mentor's theories could rid the world of poverty and lift the heavy hand of Depression. From that moment onwards, it seems, Aberhart had a mission beyond his apocalyptic preaching, beyond his previous preoccupation with the saving of Christian souls and preparation for the end of days. Social Credit would wrenchAlberta out of its misery and anguish and provide a permanent solution to the economic chaos that was destroying so many lives. In strict truth, Aberhart was not the first to propose the examination of Major Douglas' unorthodox ideas nor was he even the first prominent Albertan to do so. That honour should probably be reserved for William Irvine, first Labour, then C.C.F. Member of Parliament for Calgary who had visited Douglas as early as 1922 shortly after the publication of Douglas' first books. (5) Irvine was sufficiently intrigued to ask the Federal House Standing Committee on Banking and Commerce to investigate and Douglas appeared as a witness before them in 1923. (6)

But Aberhart took up the Douglas theory of economics as zealously as he preached his thundering evangelical religion and through him, the ideas of Social Credit became widely disseminated throughout any part of Alberta that could be reached by radio transmitter. The broadcasts that had previously been used so effectively to teach Aberhart's peculiar brand of theology were now being used to preach his peculiar brand of economics. Within an astonishingly short time, Social Credit Aberhart style was as familiar to Albertans as the Eatons' catalogue and study groups sprang up everywhere.

By 1932, the Depression that had begun in 1929 had deepened and solidified into the black misery of what Barry Broadfoot has called the Ten Lost Years. (7) Unemployment was rampant, commodity prices had dropped through the floor, farms in Southern and Central Alberta were being blown away by punishingwinds and drought, businesses were failing and everywhere the tough pioneer mentality was breaking down in bewilderment at the catastrophes piled one on top of the other. Neither the Federal Conservative government nor the Provincial government, the United Farmers of Alberta (UFA), now old in office after 11 years, had any answers, any solutions, and no one else seemed to either. It was not as though there was any shortage of politically active individuals and groups urging solutions to the current situation. But the old parties were discredited in Alberta and the UFA had become one of the old parties. The Communists were too extreme for most Albertans although they did have substantial support among some strata. The newly formed CCF or the Labour Party might have stepped into the void, but they did not. The Social Credit Party did. Myron Johnson believes that it was

the CCF's association with the UFA that turned voters against it in 1935 and for some years afterwards. (8) People were looking for an alternative and their desire was for radical change and not merely a change in leadership. It cannot be forgotten that the Social Credit were also organized to a degree unparallelled in Alberta at the time. The message they were sending out was being received via farm organizations, women's groups, church groups, community meetings, and most importantly, radio. Social Credit workers and organizers were missionaries more than they were political workers and their zeal paid off.

Aberhart held out an answer and a solution, one calculated to appeal to people who felt themselves powerless in the grip offorces beyond their control or understanding. He offered them Social Credit both as a way of understanding the economics of what had happened and why, and a way of taking control over their lives by pressuring government to institute Social Credit economic policies. Never mind that Aberhart himself had only the most elementary understanding of Douglas' arcane theories. His theology had grown out of a hodge-podge of Methodist, Baptist, dispensationalist and other fundamentalist ideas to the point where it was his very own. (9) So too was Alberta Social Credit his very own bearing superficial resemblance to Douglas' theories but adopting or discarding whatever suited him.

The exposition of Douglas' ideas has been attempted at length elsewhere (10) but a brief synopsis of the apparently major points is important in understanding why Aberhart found it so appealing and how he translated it into the political ideology that swept over Alberta in 1935. Simplistically put, to Douglas' mind, all economic problems were the result of a shortage of purchasing power. The famous A + B Theorem was used to demonstrate how individuals could never purchase all the goods that were produced. Price is made up of A + B. A equals all payments made to individuals in the form of wages, salaries, dividends etc, and only this creates purchasing power. B equals all other payments, raw materials, bank charges and the like. Unless some adjustment is made to enable consumers to make up the difference represented by B, there will not be sufficient purchasing power in the community. Such a theory is immensely attractive to those who see goods available to be purchased and themselves and others unable to find the money to do so. Throughout the thirties, stories were rampant of goods being dumped or destroyed for lack of buyers, of food rotting because no one could afford it. Money could be distributed as a proportion of the total community wealth to allow for the extra purchasing power required. This money was "social credit" and could be used to purchase commodities. Those elements of the B side of the equation could be fixed so as

to prevent prices rising beyond the power of consumers to buy.

Social Credit can appear very alluring on the surface because it is so deceptively simple. In Alberta in the 1930s, it had an additional appeal as another in a long line of proposed monetarist reforms which had been appealing to Albertans since the beginning of the century. (11) Albertans felt alienated from the financial control of their community and inherent in Social Credit was the belief that originally unspecified "others" were manipulating the financial system in order to continue to dominate. (12) The earliest, easiest and best targets for Douglas were the banks. Banks created and destroyed wealth by the manipulation of figures and never created any real wealth themselves. They manipulated credit and the end result was to clog up the system. Douglas was a committed capitalist. He believed that he had the key to increasing the productivity of the capitalist system and not destroying it. (13) By targeting banks, however, he incurred the emnity of the capitalist classes and the distrust of most conservatives. By the same token, he aroused the interest and allegiance of those who felt themselves the victims of the banks and their nefarious, never easily understood ways.

William Aberhart was no student of economics. But he was a student of human affairs, and like most others in those bleak times he was struck and saddened by the disasters around him. Initially, he had no intention of forming a political party to press for Major Douglas' policies but merely integrated them into his weekly evangelical radio broadcasts. The failure of Social Credit supporters to gain a voice within the established UFA led to the formation of the Social Credit Party with Aberhart as its first leader. (14)

Aberhart simplified and distorted Douglas' system beyond the recognition of many of his other adherents. The pre-1935 distortions arose in the main from Aberhart's own inability to understand the complex scheme Douglas had in mind, but secondarily from Aberhart's aversion to some of Douglas' more eccentric and perhaps sinister overtones. The anti-semitism which was a strong element in Douglas' writings was quite foreign to Aberhart. (15) Jews formed an important element in his theology and at least one of his closest friends, Abe Schnitka, later to be appointed King's Printer, was a Jew. Douglas' hints, while in Alberta, that perhaps Social Credit could only be achieved by way of a military coup were equally foreign and Aberhart dissociated himself from any suggestion of such a thing. (16) Social Credit in England had the backing of a para-military arm that called itself the "Greenshirts" but nothing even remotely approaching that was ever brought up in Alberta. (17)

Douglas extolled the virtues of leisure and refused to look at unemployment per se as a bad thing. (18) Aberhart with his solid farm and Methodist upbringing could not

bring himself to praise idleness or reward it in any way. (19)

Post-1935 distortions arose from far more pragmatic causes. Aberhart had a government to run. Douglas didn't. Relations between Major Douglas and the Alberta government, strained from the beginning, grew into what approached hostility by the end of the Second World War with each party disavowing the other and Douglas referring to Manning as the "soi-disant Social Credit Premier of Alberta". (20) Manning in his turn openly repudiated the conspiratorial world view of Douglas and in particular his anti-semitism. (21) Douglas' preoccupation in the post-war years with labour unions and Britain's labour government became an almost hysterical obsession. (22) Manning never attacked labour unions and confined his criticisms of socialism to routine political speeches devoid of the paranoia that characterized Douglas.

Orthodox Social Credit theory had little in the way of an official line on labour policy or legislation. Indeed, legislative problems were rarely mentioned at all, Douglas feeling that laws were primarily negative in nature, aimed at restraining behaviour and thus useless at producing profound change. (23) But Douglas did have a good deal to say about unemployment, and increasingly about trade unions. It is useful to examine these ideas in some depth to understand how truly radical Douglas could be on some issues, and yet remain the fervent capitalist and individualist that he was.

Unemployment was, for Douglas, a useful and valuable thing allowing workers previously enslaved to long hours of drudgery the opportunity to enjoy precious leisure and self-improvement. (24) He heaped scorn upon ideas then current that unemployment demoralized a person making them unsuitable for future employment. With some insight, he saw the argument for full employment as a moral one. Society abhorred the idea of getting something for nothing, that is paying unemployed people to enjoy themselves not working. This would lead to a general weakening of the moral fibre of society. Douglas perceived underneath this argument the need to forever tie individuals to a system of rewards and sanctions in order to prevent their rising above the herd, to prevent their ever being able to express their individuality. To keep people working at all costs was to keep them under control.

> This is the whole purpose of the Russian Revolution, keep people working by whatever means including suppression of technology or make work projects.
> ... there is the widespread feeling on the part of executives of all descriptions that the only method by which large masses of human beings can be kept in agreement with dogmatic moral and social ideals is by arranging that they shall be kept so hard at work that they have not the leisure or even the desire to think for themselves. (25)

Unemployment therefore was no unmitigated evil and could be used to improve the lot of the average worker rather than otherwise. The social credit payments that were the birthright of all individuals were to be paid whether or not they were employed. Yet Douglas himself was not entirely free of the suspicion that there were genuinely lazy and corrupt individuals who might take advantage of his credit scheme to be paid and then refuse to work. Thus his Draft Scheme for Scotland contains a clause allowing for the suspension of benefits for those individuals refusing to work in their assigned vocations. (26)

Douglas was able to draw a bleak portrait of the plight of the individual worker trapped in a deadly boring job with no recognition of his vital function within society and no recognition of his individuality.

> As society is presently constituted, it is quite definitely to its advantage, and tends to the perpetuation of the present form of Society, that Lancashire mill operatives should work the maximum number of hours at a very dull occupation, with the minimum of change of work, and if the individuals had no interests as such, that is to say, if they were Robots, contemporary Society would probably work very well, and no difficulties would arise. But Lancashire mill operatives are developing individualities, and their interests are clearly not the same as those of Society as it is presently constituted. (27)

The solution to the individual worker's problem could not be found in trade unionism. While trade unions had not, in Douglas' pre-war writings assumed the terrible and sinister aspect they were given following the war, (28) they were still decried as one of the major factors preventing a working man from asserting his full individuality. As such, Douglas felt that they operated hand in glove with business and industry to stifle individual expression.

> Now it is fair to say that Labour leaders are, although they may not consciously know it, amongst the most valuable assets of the financial control of industry - are in fact, almost indispensable to that control: and the reason for this is not far to seek. They do not speak as the representatives of individuals, they speak, as they are never tired of explaining, as the representatives of Labour, and the more Labour there is, the more they represent. It is natural that employment should be represented by them as being the chief interest of man; as the representatives of the employed, their importance is enhanced thereby. (29)

As any surrender by an individual to a group meant loss of power, the working man gained nothing from trade union membership. The unions are gulled into thinking that their numbers give them power denied to individuals. Douglas considered this to be nonsense. The right to strike, he said, was no more than the right to commit suicide

because of the inequality inherent in the employment relationship and in the ability to weather a long work stoppage. (30) Collective bargaining, agitating for higher pay and calls for increased taxation on the rich were equally ideas doomed to fail as they did not address the fundamental issue of the manipulation of supply and demand by the large financial interests which created the inequality in the first place. (31)

Douglas never actually came out with any concrete suggestions as to what an individual worker could do in such circumstances short of waiting for the establishment of Social Credit. Solutions to specific problems of that nature were never Douglas' strong point. But it would probably not be wrong to suggest that he favoured the individual bargaining system where each individual worker could contract for his own employment on terms more favourable or important to himself. Douglas was fond of the analogy of the cricket club, where freedom of association reigned supreme. If a man didn't like the rules, he could try to get them changed or he could always quit. (32) There is however no hint as to what an individual Lancashire mill operative could do to change the rules where she worked nor yet how she could possibly live if she quit.

Aberhart's version of Social Credit contained even less in the way of theoretical treatment or criticism of trade unions or labour whether organized or unorganized. Aberhart had strong support among the urban working class, first in his evangelical preaching days in Calgary and later as the prophet of Social Credit. (33) While Aberhart may have reserved his strongest sympathy for the individual worker either out on the dole or forced to work long hours for little pay, there was also time to associate with organized labour. One of the first and strongest Social Credit study groups in Calgary was the Ogden Shops of the CPR who also sponsored several of Aberhart's political broadcasts. (34) During the election campaign of 1935, a union man in Edmonton, uneasy because of rumours of Social Credit anti-union philosophy bluntly asked Aberhart about his attitudes to labour. Aberhart's easy reply was:

> If I don't stand for you boys, I don't for the life of me see who I do stand for. (35)

There are several fundamental underlying beliefs in Social Credit, articulated by Douglas, and picked up by Aberhart which can be seen to form the basis of the 'social credit' approach to nearly any problem. Social Credit proceeds from the point of view of the individual and the individual's right to obtain those things which are his "cultural heritage", his share of the wealth of the land. (36)

Douglas was an individualist par excellence and believed that society ought to be

ordered in such a way as to maximize the individual's opportunities for personal advancement and growth. No interference by any organized group, whether that group be government, business or labour, into the affairs of the individual could be justified unless the individual voluntarily submitted himself and was then free to withdraw at any time. (37) Douglas believed in self-reliance and self-improvement, in the value of education and the broadening of horizons by experience. He believed in the capitalist system as the one most likely to provide that freedom for individuals to succeed to their maximum potential. It was monopolistic distortion of the system that he found unacceptable, distortions both in money flow and in the conditions of labour that left individuals unable to exercise their inate freedom.

This emphasis on the individual seeking to claim his share of the wealth of the land was one which couldn't have been more deliberately calculated to appeal to a pioneer community. When a family found that despite hard work and long hours, despite a frugal lifestyle, that it was the bank that took the profits of their labour, a sense of injustice was created. Alberta in the 1930s was a community of immigrants from overseas or other parts of Canada who had come to the prairies to build a new life in a new land. They felt assured that by holding to the values of their churches and communities that they would be rewarded. Douglas and Aberhart told them that they should be rewarded and that it was flaws in the system and not in themselves that led to the other result. The introduction of Social Credit would ensure them the prosperity that was their due. Many critics of social credit saw an aspect of socialism to this solution, (38) but that view is a mistaken one. Both Douglas and Aberhart saw themselves as rewarding individual initiative and effort. Douglas' point of view was a distinctively racist one as when he extolled the virtues of the individual, he almost invariable qualified it by referring to the "Anglo-Saxon" and in at least one place laid the blame for the failure of Social Credit in Alberta to the predominance of racial groups other than Anglo-Saxons in Alberta who could not be expected to understand or wholeheartedly support his doctrines of individuality. (39)

Therefore there was in Social Credit a strong emphasis upon the individual and upon self-reliance. Thus any problem solving devices adopted by Social Credit would tend towards those that enhanced or at least did not interfere with self-reliance and with individuality. There would be a tendency away from allowing perceived exploitive combinations of groups who would interfere with individual rights. There would be an emphasis on education and self-improvement and techniques whereby the individual could obtain the tools necessary for greater achievement,.

A second fundamental aspect of Social Credit ideology was the reliance on the expert. (40) Many of Aberhart's and Douglas' critics have pointed to this as being a convenient device to avoid having to explain how any part of the social credit scheme would work. It may have functioned conveniently in that way, but as an ideological point of view it has another important purpose. Reliance on the expert means basically this: when you want to accomplish some end, you gather around you a group of people who know how to accomplish those ends. They are provided with the end and must themselves come up with the means. A politician is not expected to be an expert himself nor understand all the complicated ins and outs of the problems he wants resolved. He acts as a conduit for the electorate who tell him what they want and what they desire. The politician's job is to find the experts who can accomplish those things and get the results that the electorate wants. If the experts fail to bring about the desired results, they can be fired and others found who will do the job better. If the politicians fail to find the proper experts, they can be defeated at the polls. It is the electorate's responsibility to demand results of their politicians; the politician's to find the experts to bring about those results. Therefore political discussion resolves itself into a question of what is wanted and not how it is to be achieved. At its extreme, this is of course an extremely naive view of the political process but one which proved phenomenally sucessful for the Social Credit in the early years. What did the Alberta electorate want? They wanted an end to unemployment, an improvement in farm prices, an honest, decent and accountable government, a sympathetic ear in Edmonton. The Social Credit Party promised them all those things without ever having to get into the inconvenient question of how it was all going to be accomplished. The how could be left to experts and Aberhart promised to the people that he would find the experts necessary. After all, one does not need to know how electricity works to use it. (41)

The expert system in practice leads to a device that the Social Credit party was to employ throughout the years it remained in office and one which had a great impact on all legislation passed in the field of labour relations. Recognizing that they were no experts in labour relations, they sought the advice and counsel of those that were. Draft legislation and ideas for legislative reform were solicited from all those who made labour relations their business and yearly labour management conferences were held. For many years Alberta was the only jurisdiction in Canada to sponsor such conferences attended by all leading business and labour organizations and by senior government members. (42) Such a system derives directly from the principle of the expert. Ask the people what they want, what results are desired, and then solicit the experts for the required solutions.

The labour management conferences were in fact the entire process rolled up into one. Labour practices were established by a method of conciliation developed during the conferences themselves. The Department of Labour was stocked with individuals conversant in labour matters, former unionists many of them, in the early years, and not by career civil servants. (43) The Minister and his Deputy usually took a hands on approach to conflict and sought to establish personal ties with the individuals they were required to deal with. There was an emphasis on personal ties, non-legal remedies, conciliation, bargaining, informal meetings, group discussions.

The Social Credit were heir to a consultative process originally developed as an ideological matter by their predecessors, the UFA. As William Irvine explained it, good government could only emerge as the result of the friendly conflict between inevitably self-interested groups. (44) In that tension could be found the seeds to co-operation between the groups so that no group could gain an upper hand on any other and remedies that were acceptable to both could be worked out. For the Social Credit, this co-operative ideology could be expanded and subtly altered to become not a resolution of class conflict but rather the adjusting of conflicting expert opinions to give the public what it wanted.

The naissance of the Social Credit Party in Alberta as an adjunct to a religious ideology can never be forgotten for many of the aspects of that ideology informed the political ideology from the beginning and to this day in the remnant of the party that remains. Born in the bleak Depression, Alberta Social Credit believed it was its' brothers' keeper. In this, there is deviation from Douglas' point of view for Douglas never expressed any deep distress over the plight of individuals as such for he was not in his writings a compassionate man. But Aberhart was and stories and anecdotes of his compassion for the poor and the dispossessed abound. In some cases, he probably lost some touch with reality but many of his speeches show a true and deep sorrow for the plight of deprived people that was one of his greatest strengths. People felt that he really cared about them. In a speech that was criticized at the time for being somewhat exaggerated, Aberhart outlined the plight of the poor in Alberta to an Ontario audience.

> There are people starving in Alberta; there are women in Alberta who have worn nothing but gunny sacks for the past three years... There are children in Alberta who have not tasted butter or milk in the last three years although they live on farms ... Children are crying for food out in Alberta tonight. The boys and girls are hungry and they are your neighbours. Will Ontario listen? (45)

Much as the press might decry this sort of "extravagant and absurd" speechmaking, (46) it struck home with Albertans themselves and was in fact a hallmark

of the early years of Social Credit. Although expressed in somewhat apocalyptic terms, Aberhart articulated a compassionate and religious point of view of the duties that one had to one's neighbours, both for fair dealing and for charity.

The official Social Credit platform contained only passing references to labour aside from dealing with the obvious problem of unemployment. Social Credit promised better enforcement of health and safety laws and those ensuring wage payments. They also promised amendments to the Workmen's Compensation Act to ensure a fairer and more just compensation. Promises with respect to the problem of unemployment revolved, of course, around the establishment of Social Credit and the issuance of basic monthly dividends plus a continuation of relief for those in immediate need. (47)

Aberhart's opponents included many who directed their appeals specifically to labour and to trade unions. The Economic Safety League of Calgary, a group opposed to Social Credit, issued a pamphlet warning that Social Credit meant "the overthrow of labor unions". (48)

> No Labor [sic] man, loyal to the principles of his class, can accept the Aberhart plan because of the Fascist principle of government price fixing in it. Labor men wisely fear inflation and must recognize as a sequence to the plan a serious curtailment of labor. (49)

The pamphlet then went on to list the numerous perils to labour posed by the Aberhart plan. First there would be inevitable inflation where wages would not rise as fast as prices and the dividend, if it ever materialized, would not be sufficient to make up the difference. The Social Credit Party had never shown an interest in, or any knowledge of labour matters. Social Credit was little more than a plan to bolster the more objectionable phases of capitalism but would in fact result in the destruction of existing industry and the barring of new industry with the resultant loss of jobs. (50)

> Unless I am very much mistaken in the vigor, intelligence and enterprise of Alberta Labor Men, they will fight to the last ditch and with every ounce of their strength, the Fascist plan of having the Alberta government fix wages. (51)

Newspapers, uniformly opposed to the Social Credit Party, made their appeals to the working class to consider their own interests in the event of a Social Credit victory and the inevitable chaos that would result. Typical of these warnings was this one from the Edmonton Journal.

> ... the people who would suffer the most are the so-called "little fellows". Those with money could, and many would, move out. But the little

> fellows, the wage earners, the small-salaried men, the chaps who have put their all in a little home and could not get away - all these will have to stay here and take it. (52)

The cries of fascism and Hitlerism rang out against Aberhart and the Social Credit all through the election campaign. The echoes lingered afterwards and were to become stronger when legislation such as the Press Bill was introduced. But in a self-critical session in Toronto following the election, the leadership of the Canadian Communist Party, including Stewart Smith and Tim Buck, called their characterization of the Social Credit Party as fascist, sectarian and incorrect.

> It is not a fascist party. Inside the Social Credit movement there are fascist elements and reactionary fascist groupings that will attempt to utilize it to direct the mass following of Social Credit into the channels of fascism, but inside the Social Credit Party also, and even in the leadership of that party there are a great many honest reformers who want to carry through reforms, who are against fascism, who are against reaction and who are genuinely convinced that their support of Social Credit is along the lines and in the direction of 'socialism'. (53)

Elmer Roper remarked in a post-election issue of the Alberta Labour News that Labour had voted Social Credit along with everyone else, and a great number of those whose previous allegiance had been to the UFA, the CCF or to Labour had chosen Social Credit as the only viable option for change. (54) It could simply be that Albertans voted in the Social Credit not as a viable option for change but as a vision that was to take them to the promised land, not an act of reasoned feform, but an act of blind faith. With no end in sight to the miseries of the Depression

> ... men passed beyond persuasion or appeal. In 1935 the rural electors of Alberta refused to listen to their former leaders. They closed their ears to reason; in their despair, they sought only a promise of salvation. (55)

While Social Credit had defeated the UFA after having been unable to convert the UFA to their peculiar economic ideology, they shared many of the same approaches as the UFA with respect to government. One of the dominant themes of the UFA, as previously mentioned, had been the notion of group government and co-operative co-existence between groups. It was natural, the UFA said that individuals should wish to associate in groups of people who had the same basic interests and beliefs as themselves. It was likewise natural that should any one of these groups obtain and remain in power that legislation favouring their group would be the result. Therefore, it was crucial that all groups obtain representation in a legislature in order that their voices be

heard for the protection of their groups. It was the striving between groups in the legislature that would produce the best of legislation as a compromise between the interests of all. (56)

In this can also be seen the influence of some traditional corporatist ideas. Corporatism was at the time a political and economic philosophy influential in Europe which called for a system of interest representation by monopolistic groups. (57) One has to tread carefully here when discussing corporatism in the context of the Social Credit Party, for corporatism has also been closely identified with fascism. (58) But it is an identification which is not necessarily accurate. Fascism and corporatism are not synonymous terms, and corporatism need not be confined to the extreme and sinister type of political organization characteristic of fascism. In a traditional corporatist view, each group was accepted as the representative of a particular societal interest, and these groups would be the voice of their members in speaking to government and in forming and implementing government policy. Thus there is not only policy input, but also a role in ensuring that members of the group would support and uphold the government's ultimate action. (59)

William Irvine and the UFA could quite legitimately be seen as Parliamentary corporatists. Irvine clearly felt law to be empowering. If a group could articulate its needs in Parliament and have those needs reflected in resulting legislation, then the group would be freed to pursue its own interests in the best way. Group conflicts would be mediated within Parliament and provided there was adequate representation of all groups, the resultant law would not only be fair but be accepted as fair by all. It is unlikely that Aberhart ever turned his mind to any such clearly thought out approaches to the legitimization of the Parliamentary system, but had such an idea been presented to him, he might well have been sympathetic.

Douglas, on the other hand, could not possibly be imagined as having sympathy to corporatism with his opposition to monopolistic groups of all kinds. For him the emphasis was at all times on voluntary associations and the individual's right to disassociate himself from any group at any time. It was not the group that mattered, or the individual voices within the group except insofar as they demanded results. Douglas' vision of government was a highly elitist one where the expert would be in charge and individuals confined to criticizing results alone and have little to say about how they were to be achieved. Aberhart and the Social Credit believed in the expert but they also believed in the group and their sympathies in this area were more likely in line with Irvine. Group representation need not be coercive. The group simply exists as a

collection of individuals with interests in common. It is not a question of forcing anyone into it. It is simply there and those individuals have the right to have their voices heard through the accepted medium of Parliamentary representation.

In the event, there was however, no significant opposition to the Social Credit for nearly the entire of its tenure in the Legislature. (60) The Party therefore reverted to the belief that it embodied in itself a sufficient representation of all the interested groups in Alberta and given their massive electoral support, that might not even be an inaccurate thing to say. Throughout the reign of Social Credit, it was through the party and contacts with Social Credit members of the legislature and members of the civil service that any group could present its desires and points of view. Members of the opposition failed for decades to provide an alternative focus for new legislation or governmental change in policy or direction. It was the ideology and internal dynamics of the Social Credit Party faced with the dilemma of power that dictated the legislation which came out of the legislature for 36 years.

CHAPTER TWO
FOUNDATIONS OF ALBERTA LABOUR LAW

Canadian labour law is formed from an amalgam of British and American principles. The basis for the law was borrowed early on from British contract and criminal law. Superimposed on top of that has been the structure, terminology and machinery of American law. British law was always more concerned with matters of legal status, while American labour law, which first began to exert a strong influence during the Depression, was more facilitative in nature, concerned with protecting union rights both for recognition and bargaining. Added to these was an identifiably Canadian pre-occupation with peaceful dispute settlement. While early dispute legislation was borrowed from the British model, increasingly Canadians looked elsewhere, most notably to Australia and New Zealand to find legislation to meet their pressing concern with promoting industrial peace and preventing work stoppages. The result of all these influences was the production of a uniquely Canadian system.

Legislative interference in the employment relationship began in England as early as 1349, with statutes designed to deal with the effect of the Black Death and the consequent decimation of the working population. Scarcity of labour led to labourers demanding high wages that apparently doubled within a three year period. There was also at this time increased personal mobility and a decline in feudalism so that workers could migrate to better job opportunities. To combat this, the Statute of Labourers (1) was passed giving the power to Parliament to fix wages. All able-bodied persons were required to be employed by anyone who chose to employ them at the rates fixed by Parliament. In 1558, numerous laws regulating wages were repealed and replaced by a law empowering magistrates and justices of the peace "to limit, rate and appoint wages" in many trades. (2) No enforcement powers were granted but the subsequent assumption of such powers was held to be legal. These wage fixing powers were not to be abolished until 1813. (3)

These early examples of legislative interference are more than mere legal curiosities. Much of the battle against protective and enabling legislation for employees in the twentieth century was fought on the grounds that such legislation was an intolerable interference with freedom of contract. Yet the employment relation never derived from contract originally and has been subject to legislative interference from very early times. Granted, such interference was usually to the benefit of the employer rather than the employee, but to attempt to take the high ground of claiming that all must be free to

bargain for their employment terms themselves as an ideological matter is simply to disregard what the law was prior to the Industrial Revolution.

The English law of master and servant derives from feudalistic origins (4) and the idea of the individual being free to bind himself in a voluntary contract of employment was a foreign one basically until the nineteenth century. The modern notion of freedom of contract arose at that time and employment relationships then began to be looked at as true contracts rather than matters of status. As far as labour law was concerned, the nineteenth century was one long battle between employers and employees as to whether the employed were to be permitted the use of the weapon of organization to equalize their relationship with their employers and to what extent the state was willing to go in protecting those employees who were unable to protect themselves. When employee organizations remained guilds of skilled craftsmen, they were not of exceptional concern. But once expanded beyond that point and into the mines and factories, they became a distinct threat to the burgeoning industrial classes.

The first legislation to deal with the nascent labour movement was passed at the opening of the nineteenth century. In Britain, Parliament prevented the combination of workers to achieve wage or hour agreements with their employers by way of the Combination Acts of 1799 and 1800. (5) Attempts by workers to combine with others or to attempt to influence or persuade others to leave work or to refuse work, or even attending meetings could result in prison terms for as long as three months or hard labour for two months. The mere act of leaving one's job and moving to another was considered an offence as a criminal breach of contract. (6) In 1824, the Combination Acts were repealed but were replaced by a new act in 1825 (7). This act allowed for workers to engage in collective bargaining but only to secure improved wages and hours of work. In every other respect, combinations of workers to alter the conditions of work continued to be combinations in restraint of trade and illegal. Any agreements resulting from such a combination were void. Penalties were established for the use of violence or intimidation but workers were given the right to meet together to discuss wages and hours. The Molestation of Workmen Act of 1859 (8) gave protection to the peaceful persuasion of others to cease work but continued to make unlawful the act of encouraging others to break an employment contract. Trade unions continued to be organizations whose only lawful purpose was the securing of better wages and hours of work. They had no rights to own or protect property or impose any sort of discipline upon their members. Strikes were criminal conspiracies in restraint of trade.

The Trade Union Act of 1871 (9) legalized trade union agreements although unions could

not use the courts to enforce those agreements. No union member was to be found guilty of conspiracy merely because the union was acting in restraint of trade. A combination of workmen was only to be considered a criminal conspiracy if it was a combination to do an unlawful act as opposed to a combination for a legitimate trade object, or a combination to do a lawful act by unlawful means. (10) Acts done in the furtherance of a legitimate trade dispute were not therefore illegal. Unions registered under the act could hold or transfer property. Amendments to the criminal law (11) allowed strikes to be legal but placed a great number of restrictions both on peaceful picketing and on less peaceful methods of persuasion. Violence, obstruction, molestation or intimidation with the purpose of persuading a person not to work, to belong or not to belong to a union, to pay a union imposed fine or to alter the mode of business were all made penal offences. Molestation included following or watching and besetting at a residence or place of business. Although a strike itself was legal, if a combination of workers employed illegal means to accomplish some coercion of their employer they would be guilty of criminal conspiracy. Shortly thereafter, these laws were altered so that a group of workers could not be found guilty of conspiracy unless the acts if done by one individual were criminal offences. (12)

Early Canadian law was formed as a near exact duplicate of British law. However, there is some confusion over the extent to which British law of the 19th century was applicable in Canada. One legal opinion had it that the limited protection offered by the 1824, 1825 and 1859 statutes was not available in Ontario in 1872, that those acts never became part of Ontario law. (13) Therefore combinations of workers continued to be conspiracies in restraint of trade, as the Combination Acts would have still been in effect having been passed prior to Upper Canada having had a legislative assembly. Whether this was also the case in Alberta is only of theoretical interest as Alberta had no organized labour to speak of at this time. (14)

The Canadian government passed a Trade Union Act of its own in 1872 (15) and likewise amended the criminal law along the lines of the British amendments.(16) These acts accomplished essentially the same purposes as the British acts except that the Canadian Trade Union Act applied in its entirety only to unions that were registered under the Act (17) whereas the British Act had removed the taint of illegality from all unions. In any event the only real result of the acts even with respect to registered unions was to remove illegality per se from membership in or organization of a union but little more. Amendments in 1875 and 1876 to the criminal law (18) altered the provisons on picketing or work action, again applying this only to registered unions. Importantly however, there

was a definition of watching and besetting in the Canadian legislation which stated that "Attending ... in order merely to obtain or communicate information, shall not be deemed a watching and besetting within the meaning of this section." (19) In 1877, the Breaches of Contract Act (20) eliminated the crime of breach of contract of service, again applicable only to registered unions. Not until 1892 were unregistered unions given the same privileges as registered ones freeing them from liability for criminal restraint of trade. (21) However at the same time, the definition of watching and besetting was left out of the codification, thus removing that protection for peaceful picketing. (22)

In Britain, the Taff Vale case stated that unincorporated labour unions at common law are mere collectivities of persons and have no distinct status. Thus they cannot sue or be sued save only in a representative capacity. Those registered under the British Trade Union Act could, however, sue and be sued in their own registered name. If the legislation gives unions the power to own property and act through agents, the court reasoned, there must necessarily be liability for the acts of those agents. (23) In Canada, few unions ever bothered to register under the Canadian Act (24) and the Canadian courts, applying Taff Vale, found them to be incapable of bringing actions save only in a representative capacity. This was the court's position even though the Trade Union Act was repealed in 1892. An early Alberta case, United Mine Workers of America v. Strathcona Coal (1908) made this point.

> There can be no doubt in the world, as Mr. Mackie [counsel for UMWA] admitted at the close of his argument, that the United Mine Workers of America, District No. 18, can have no status in any Court as parties plaintiff or as parties to the action at all. It is not alleged in the statement of claim that they are a body corporate, and they are not proven a body corporate. The only persons that have a right to sue in Court are individuals or bodies corporate who are given that right by statute. There is the exceptional case, of course, of Trade Unions registered under the Trade Union Act. ... But it is admitted that they are not registered... (25)

In that case, the UMWA were unsuccessful in attempting to sue their employer for what they alleged were breaches of their contract with Strathcona Coal. They lacked standing in court to pursue the action. Also at issue in this case was the question of whether the individual miners could sue for the breach of a contract entered into between their employer and their union. Canadian and British authority both established that a collective agreement was not a contract actionable in court. Courts insisted that it was the individual contract of employment that was the actionable one.

> Each individual man, when he went into the employment of that company, made a separate contract of his own with that company to

> mine coal for them, and for breaches thereof, if there were breaches proven, there is no doubt in the world that these men would have been entitled to sue... It is quite impossible, in my view of the case, for the plaintiffs to succeed in their contention that there was one individual contract. (26)

Likewise the Privy Council in two important Canadian decisions affirmed that whether an agreement existed between a union and an employer or not, the actionable agreement was the individual contract of employment and the union's agreement established no necessary contractual liability. In Caven v. C.P.R. (27), Lord Shaw proceeded under the assumption that the individual contract of employment was the actionable one although he found in that case that the union agreement had become integrated into the individual contract of employment. An employee suing for wrongful dismissal was unable to pursue his case on the grounds that the procedure laid down in the collective agreement had been properly followed, and that that collective agreement was binding upon him.

> ... the arrangement made in the contract for settlement of the questions of discipline and dismissal are ancillary to, and indeed part of, the contract of service itself. (28)

But in 1931, the Privy Council made it clear that union agreements would not necessarily become part of an employee's individual contract. In Young v. C.N.R., (29) Lord Russell of Killowen stated that the Wage Agreement in dispute in that case

> ... does not appear to their Lordships to be a document adapted for conversion into or incorporation with a service agreement, so as to entitle master and servant to enforce *inter se* the terms thereof. It consists of some 188 "Rules" which the railway companies contract with Division No. 4 to observe. It appears to their Lordships to be intended merely to operate as an agreement between a body of employers and a labour organization by which the employers undertake that, as regards their workmen, certain rules beneficial to the workmen shall be observed. By itself it constitutes no contract between any individual employee and the company which employs him. (30)

His Lordship then went on to say that the appropriate action for an aggrieved employee was to engage the assistance of the union which could call a strike if necessary to remedy his case. The protection afforded by a union agreement was not the right to sue to enforce it but the protection derived from having the union enforce it by job action on his behalf. (31)

At the turn of the century, Canada first began showing that preoccupation with dispute settlement that became its identifying mark in labour relations. Some provinces

had passed legislation late in the nineteenth century experimenting with conciliation. Ontario (32), Nova Scotia (33), British Columbia (34) and Quebec (35) all passed acts providing for and in some cases requiring arbitration of labour disputes between 1873 and 1901. All were based to some extent on British or Australian models. Only Quebec's law was used to any great extent. Both the Ontario and B.C. laws suffered because of their voluntary nature, and the Nova Scotia law, although compulsory, applied only to mining, and was in fact never used . The Nova Scotia law did, however, include features that subsequently became standard in Canadian arbitration law: compulsory arbitration, a freeze of working conditions for the duration and the suspension of the right to strike. (36)

What was needed in order to allow the union to pursue its aims was legislation which made binding and enforceable agreements reached between employers and employees, legislation which legitimized work stoppages and protection for the jobs of union members. There was no protection for workers who chose to join unions if their employer then fired them or practiced intimidation to discourage their joining or remaining a union member. There was no requirement on the part of an employer to bargain with his workers or an enforcement mechanism to enforce any agreement reached if the employer did bargain. Employers could freely ignore the union, refuse to hire union members or fire those who were members.

Attitudes towards unionists were in many cases extreme. In 1918, an organizer for the Federal Workers Union of Canada was arrested and charged in Calgary with violating a wartime anti-loafing order-in-council by not being "engaged in some useful occupation". (37) At trial before a police magistrate he was convicted, the magistrate being of the opinion that his work was not useful. Apparently, evidence was introduced to attempt to show the defendant in league with the Russian Red Guard and other suspicious organizations. On appeal, he was acquited, Mr. Justice C.A. Stuart being of the opinion that the paid servant of a labour organization is engaged in useful work. (38) In his decision, Mr. Justice Stuart alluded to the opinions of some at the time that workers at a certain level ought not to be permitted to organize themselves.

> But it is possible, of course, that to a certain aristocracy of labour some reluctant recognition is to be extended by that class of the community which exercises the social privilege of "recognizing" other people or classes. If "skilled" labourers organize themselves into labour unions and by the means of united action succeed in getting themselves "recognized" to the extent of having representatives in cabinets and legislatures then, of course, we must reconcile ourselves to it with a sigh. But when it comes to unskilled labour, to men who merely dig sewers, although we really must have sewers for the enjoyment of the refinements of our

> social life, or men who merely shovel coal and cut wood, although these are also necessary to our comfort, it seems, according to the tenor of the evidence in this case, that these men must work separately and alone. The "privilege" of organizing is not to be extended to them, they are not to be "recognized" as entitled to act together like farmers and manufacturers (even of cement) and bricklayers, and if they attempt to organize themselves any official whom they employ for that purpose is open to conviction under this order in council if the magistrate's view of the matter is correct. (39)

Canadian legislation in the first part of this century seemed to have been confined to keeping the peace in certain defined areas such as transportation and mining, by providing for conciliation and arbitration procedures to deal with work stoppages. Legislation in these early years was hampered by doubts as to the respective jurisdictions of the Dominion and Provincial governments in labour matters. The Dominion Government passed the Industrial Disputes Investigation Act (40) in 1906 but limited its authority to public utilities and coal mines where a more effective argument could be made for the need for Dominion control. The I.D.I. Act provided for compulsory conciliation and the suspension of the right to strike or lockout until the conciliation process was complete. (41) The Act was challenged on at least two occasions. In one case, Toronto Electric Commissioners v. Snider (42), the Act was ruled ultra vires as trespassing upon the authority of the Provinces to exclusively make laws with respect to property and civil rights. It was necessary then to amend the Act to limit its application to those disputes that were within exclusive Dominion jurisdiction. (43) The amendment also provided a permissive clause whereby provinces could opt into the Dominion Act by applying the Act to disputes within provincial jurisdiction. (44) Conciliation legislation that existed both at the Dominion and provincial levels was always confined to disputes that tended or might tend to disrupt some crucial public service and left the vast bulk of disputes unregulated. There were provisions for voluntary arbitration for disputes falling outside the act's jurisdiction but applications were few.

Alberta chose to pass its own legislation rather than merely extend the I.D.I. Act. The 1926 Labour Disputes Act (45) provided for a voluntary process whereby any employer or employee could request the appointment of a Board of Conciliation and Investigation where there was a dispute which was threatening to lead to a strike or lockout. (46) The Board's recommendations were non-binding unless the parties agreed in advance to be bound. (47) Boards could be appointed in special circumstances at the instance of the Minister without any special request of the parties. (48) It is important to note that a joint application of both employer and employee was not required. Either

could apply and a Board could be set up with the non-co-operation of one of the parties. That party's nominee could be appointed by the Minister should the party refuse or neglect to do so himself. (49) The establishment of the Board was entirely within the discretion of the Minister once application was made and the Minister was satisfied that the Act was applicable, and the Act prohibited the judicial review of that decision. (50) The Act is also interesting in that it contains the first statutory reference in Alberta to a union with a definition of "trade union" as any organization of employees formed for the purpose of regulating relations between employers and employees. (51) The Boards were granted extensive powers including the power to find an individual in contempt for refusal to co-operate with the proceedings. (52) The Act applied to nearly every possible labour dispute or employee within the Province, save only those in small businesses or establishments with fewer than 10 employees. (53) "Dispute" was widely interpreted to mean nearly anything which could arise as a source of contention in the employment relationship. (54) All of the wording followed closely on similar Dominion Legislation.

In 1928, the Alberta Government did provide for the operation of the Dominion I.D.I. Act to relevant disputes within the sole jurisdiction of the province. (55) The two acts operated side by side in Alberta for a number of years. The provincial act provided for non-binding voluntary arbitration, the Dominion for binding compulsory arbitration but only within a small limited number of circumstances. The only compulsory aspect of the Alberta act was the requirement to participate in the conciliation process. Failure to do so could lead to consequences for contempt of court. But there was no provison to require either party to accept an award of a conciliation board or follow any recommendations. There was, however, power in the Minister to cause the Board's report to be sent to newspapers or to any parties the Minister chose and so to give the report wide publicity which could operate as a form of compulsion, if only psychological, against a party who refused to accept the recommendations. (56) But, the Alberta act neglects one of the crucial aspects of the Dominion legislation which is to say the prohibition on work stoppages during the conciliation process. Strikes and lockouts could continue to take place but the act provided that employees remained employees even if dismissed during this time or within 30 days prior to the application for a Board. (57)

Alberta was the only province that chose to go its own way during the 1920's in the matter of labour arbitration and it might be argued that this reflected the more favourable ideological point of view of the United Farmers of Alberta government. Alberta had begun to set up administrative machinery for labour standards as early as 1921 with the Minimum Wage Board and certainly was as favourable to labour as any

province in Canada at the time. This it might be argued was an easy thing to do in a province which had a very low level of industrialization and a consequently low level of unionization. But what unions did exist were certainly militant in the expression of their points of view and probably more radical in many respects than those in the East. In Alberta, unions were a fact of life in the coal mining business and becoming increasingly important in other areas. There was probably never any real possibility of doing away with them but no legislation provided for their specific recognition or power. No protections for union rights were given. It might be unfair to downplay the genuine commitment of the UFA to allowing representation for all sectors within the government and legislation-making process. But the UFA were not the first to show some concern for labour as it was a Liberal government which brought in minimum wage legislation in the Factories Act in 1917.

Labour legislation in 1935 when the Social Credit came to power was heavily fragmented with a number of different acts governing different aspects of labour relations. Most legislation was in the area of social welfare or minimum wage laws. The laws already in existence having a general application to workers in the province were the Factories Act (58), the Female Minimum Wage Act (59). the Labour Disputes Act (60), the Department of Trades and Industry Act (61) and the Industrial Standards Act (62). In addition, there were specific acts governing the coal miners, the public service, police and firefighters. (63)

Alberta had first passed a Factories Act in 1917 and thereupon became the first jurisdiction in North America to pass minimum wage legislation. (64) The Act itself had been some time coming as all the other provinces had already passed factories legislation (save P.E.I.), but when it did come, it extended coverage beyond that provided by other provinces. Alberta required a minimum wage of $1.50 per shift at a time when some of the poorest paid factory workers in Alberta were receiving $3.05 for a six-day week. (65) For them the Act would mean a nearly 200% raise in pay. Moreover, while other provinces soon set up minimum wage requirements themselves, such requirements applied only to women and children. (66) Alberta's applied initially to both sexes. The minimum standards in the Factories Act in Alberta were modelled extensively on Ontario's but instead of applying only to women and children, they again extended to cover both sexes. (67) When the Act was passed in 1917, it came in for a good deal of criticism by local businesses, some of whom threatened to close their factories if it became law. But the latter years of World War One were years of high inflation and high prices and labour strongly supported the passage of the Act. The attorney-general was

reported to have said that opposition to the act came only from the "usual gang" and obviously discounted it. The Vice-President of the Alberta Federation of Labour said that it was employers who were responsible for the lamentable conditions in which lower paid workers found themselves. Even with a minimum wage of $9.00 per week, that was barely half the average weekly cost of a family budget in Alberta. (68) Clearly such people were not supporting families. If employers would not rectify these situations, they were "parasitic" and it was up to the government to act in the interests of social welfare. (69) A new act was passed in 1926 and remained unaltered until 1936.

The Factories Act 1926 (70) was a comprehensive piece of legislation applying to a large variety of shops, factories and buildings where any number of businesses specified either in the Act or the Schedule thereto were carried on. The Act provided for a wide number of safety, sanitary and other regulations which were required to be observed by employers. It forbade the employment of children under the age of 15. (71) It forbade paying wages to males below the minimum wage or below any minimum wage set for females in the same class of employment. (72) Penalties for violating the Act ranged from $10.00 to $500.00. (73) Inspectors were appointed to enforce the Act and the regulations, and were given the power of constables. (74)

In 1920, the Factories Act was amended to provide for an advisory committee to provide for minimum wages for women and persons under the age of eighteen years. (75) In 1920, a Minimum Wage Board was set up under the Minimum Wage Act. (76) Originally, the minimum wage requirement in the Factories Act had applied to all persons working in factories, but the Minimum Wage Act applied only to women and boys. When the Factories Act was overhauled in 1926, minimum wages for men were removed, although they could not be paid less than women for the same work. The Board set up in the Minimum Wage Act was under the jurisdiction of the Lieutenant-Governor-in- Council and had power to hold conferences of employers and employees to determine minimum wages. (77)

Firefighters were subject to special legislation dating back to 1924. The Firefighters Hours of Work Act provided that a firefighter was required to have a full twenty-four hours off during a week. (78) In a city or town where the population was greater than 10,000, the Fire Departments Two Platoon Act required that there should be at least two shifts for firefighters so that they received regular rest periods. (79) Coal Miners were also under special legislation. The Coal Mines Regulation Act of 1930 dealt with a wide variety of matters in the coal industry among them the running of the mine, safety matters and industrial relations. (80) Women and boys under sixteen were

prohibited from working in the mines. (81) Wages were to be determined by the amount of coal mined by each person and were to be paid twice monthly. (82) Each worker could be below ground for a shift of a maximum of eight hours in a twenty four hour period. (83) Coal miners were at this period already organized into unions, arguably the strongest and most numerous unionized workers in Alberta. Firefighters and police officers were, on the other hand, unorganized and unable to engage in collective bargaining of any type. (84) The Public Service was also unorganized although there was an Employee Association with some degree of input into decision making with respect to conditions of work. (85)

The Department of Trade and Industry Act was passed by the UFA Government late in their mandate. (86) The Act was heavily influenced by Roosevelt's National Industrial Recovery Act (NIRA) of 1933. (87) Like that Act, the Department of Trade and Industry Act called for the formulation of codes to govern the conduct of certain businesses. (88) These codes of Fair Competition and Business Practice were a far more extensive regulation of a business to which they applied than were schedules under the Industrial Standards Act, (89) passed at around the same time. Some codes were very detailed and regulated almost every aspect of the business from prices and advertising to business ethics. Minimum and maximum prices were set as were rules on prohibited and permitted competitive practices. It was an obvious attempt to import an American solution to the pressing problem of bankruptcies and business failures in Alberta.

Like NIRA as well, the Department of Trade and Industry Act required the participation of employees in the code making process, and required in section 5 that each code contain provisions to deal with minimum standards as to hours of employment and wages. (90) The Act provided for recognizing employee associations as representatives of the employees for the purposes of formulating the codes, and clearly envisaged that such associations would include trade unions. (91)

> s. 19 (1) ... persons engaged as employees in any trade may form an association to which every person for the time being engaged as an employee shall be entitled to membership without discrimination.
>
> (2) The Minister may nominate such persons as he deems proper who are engaged as employees in the trade and who have been appointed by an association of employees pursuant to this section or who are delegates of a trade union, to act as representatives of the employees.

Further to this, there was a requirement that the associations so formed were to be free from employer interference. (92)

> s. 20. No employer shall directly or indirectly do any act or thing which is calculated to interfere with the free selection by any association so formed of representatives or in any other lawful activity of the association.

This then was the first specific statutory recognition in Alberta of a right of employees to organize into an association of employees for the purpose of protecting their collective interests. The legislation would appear to have protected that right only insofar as the code process was concerned, and not confer a general right for collective bargaining for other purposes.

1935 was a time of great change and growth in labour relations across North America. Probably the most important reason for legislative change was the passage in that year of the National Labor Relations Act (NLRA), or the Wagner Act (93) as it is more familiarly known, by the United States Congress. The bill was signed into law by President Roosevelt on July 5, 1935. The Wagner Act was to a large extent an attempt to re-enact provisions of the earlier National Industrial Recovery Act (NIRA) of 1933 (94) which had been declared unconstitutional by the United States Supreme Court early in 1935. (95) NIRA was created by Roosevelt as a mechanism for economic planning whereby business associations were required to set up codes of fair competition for their industries. These codes, which could be arbitrarily imposed upon industries which refused to formulate their own, included standards for prices, production, wages and hours of work. The Act encouraged the participation of labour in the formulation of the codes. The Act also provided a section that provided specifically for the statutory recognition of trade unions. (96)

> Section 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

This followed on the Norris-La Guardia Act (97) of a year earlier that recognized a worker's right to freely associate in a trade union and prohibited employers from requiring employees to agree never to join a union. But neither Norris-La Guardia or NIRA gave much impetus to the trade union movement in the United States, allowing as

they did the existence of employer-dominated organizations and discrimination between them and "legitimate" trade unions. Furthermore, labour involvement in the code-making process was severely limited and the Board set up to administer NIRA lacked efficient machinery to do so. (98)

Senator Robert Wagner who had been actively involved in the drafting of NIRA set about to reestablish the principles of freedom of trade union association following the end of NIRA. His Act contained a long policy statement in section 1 where the desireability of promoting freedom of association was emphasized and the present inequality of bargaining power between employers and employees was emphasized. (99) Only by giving the protection of law to employees to organize and bargain collectively could the employees' rights and equality of bargaining power be assured. The National Labor Relations Board (NLRB) who were to administer the Act were given powers to prevent certain specified unfair labour practices (100) and to determine which organization had been freely chosen by workers to represent them. The Board had the power to issue cease and desist orders which could be enforced as court orders, orders to hire or reinstate employees fired for union affiliation, orders disestablishing company unions and orders requiring an employer to bargain with an NLRB recognized organization. (101) Unfair labor practices consisted of any interference with an employee's freedom of assocation, interference with the formation of a labor organization, discrimination on the basis of union membership, discrimination on the basis of actions taken under the Wagner Act or refusal to bargain collectively with a recognized legal employee representative. (102) The board was given the power to determine what was to be the appropriate bargaining unit in any employment situation. (103)

It was inevitable that American labour legislation would come to have some impact upon Canadian legislation. By 1935, there were already strong ties between Canadian and American labour and business. In Alberta in particular there was constant movement across the southern border into the United States and large numbers of Albertans were in fact American in origin. Where labour was unionized, most of those Canadian unions were locals of or affiliated with an American International union. Pressure from the International and pressure from ordinary workers would lead to a local having a greater desire for legislative protection similar to that given to the American worker. The Internationals had a vested interest in improving Canadian working conditions lest business flee across the border into Canadian subsidiaries in order to avoid the effect of American law.

Canadians themselves were floundering about during the Depression for ideas to get the economy working again and Roosevelt's New Deal legislation seemed to be having some effect even if only psychological. Perhaps if all the standard and tried remedies for these economic hard times were not working something else would. To borrow Roosevelt's ideas for NIRA meant borrowing the labour ideology as well.

The early labour history of Alberta was on occasion quite violent. Alberta was not a highly industrialized province like Ontario and Quebec but its union strength was in the field of natural resources and transportation. Coal mining in particular was to be the area where the most difficult disputes took place. The miners were well organized and radical, willing to go on strike and supported by their unions and communities. Mining strikes in Alberta claimed a number of lives as strikers clashed with police and management. (104) There was a time when Alberta coal miners were as militant as workers could be, when they ran the town of Blairmore renaming the main streeet Tim Buck Boulevard after the jailed Canadian Communist leader (105), when strikes in the mining towns led to violence and bloodshed and riots. The Dominion Industrial Disputes Investigation Act was passed as a response to the Lethbridge Coal Miners strike of 1906. (106) Some elements of the construction industry were also quite radical in the early years. In 1935, Alberta was still by no means a heavily unionized area. The coal mining industry continued to be the strongest centre of trade union activity. But in 1935, the miners had been hit like everyone with high unemployment, falling prices and production. If not altogether out, they, like most unionized workers, were down.

There is no doubt that through the 1930's, while most workers had become dispirited by the Depression there were a hard core of enthusiasts for whom hard times were the best times to organize and have their voices heard. The Communists in particular, but other left wing and radical groups as well, won converts by the thousands in Alberta. Communist Party membership was never higher than in those days of Relief camps and riots, of hunger marches and rallies. (107) Left wing groups worked hard in the union movement to make their way into more orthodox positions within the unions. The Miners in particular had a heavy Communist membership and this became reflected in the leadership as well. District Labour Councils in Edmonton and Calgary had high profile Communist or other left wing members and across the province there was a labour leadership strongly influenced by left wing ideology. (108) Yet it is probably more fair to say that the bulk of union members and leaders were more middle of the road in their ideology and perhaps even leaning towards the right in some very crucial aspects. The major split in ideology in the labour movement was one which had its roots more in the

United States and had an impact on labour legislation in a very real way.

American labour leaders, in the period prior to the Depression, to the extent that they ever lobbied for any type of legislation, asked for the right to organize and bargain collectively. They did not consider that the government had or ought to have, any place in determining working conditions. These things were the concern of the employee and the employer and were to be negotiated by them as a private matter of contract. (109) What social welfare legislation they would accept tended to be limited to protective legislation for the more disenfranchised, particularly women and children. Limiting the hours of work and places of employment for women and children or providing for minimum wages and health and safety regulations for them was acceptable due to their inability to protect themselves. (110)

This attitude derived in large part from an ideology developed by Samuel Gompers, one of the first and most influential of American labour leaders. Voluntarism was an attitude which posited the worker, organized into strong unions based on craft or trade, as the equal to the employer in bargaining position. Strong concerted action by the organized worker could counterbalance the power of employers and win the kind of working conditions that they sought. Workers were a class with their own particular class interests and by organizing, class interests could be better protected. Gompers, and the powerful American Federation of Labor which he led for many years, were not concerned with interfering in the management, control or ownership of employers' businesses and focused instead on those restrictions which operated to prevent workers from efficiently combining to represent their own interests. The attitude they held with respect to government interference, whether by legislation or by regulation, was that it should be restricted to removing impediments to free bargaining.

> ... legal recognition of union rights would help to overcome the fears that unorganized workers might harbour about associating themselves with unions. Then too, such laws sanction the right of unions to engage in collective bargaining and set terms in private contract for peaceful co-existence between themselves and employers. Indeed government, in passing such laws, fulfills its function of recognizing the right of all social groups to legitimately pursue their own interests without having to rely on debilitating government benefits. (111)

Many American union leaders believed that the receipt of benefits at the hands of the government would lead to a general weakening of moral fibre. Rights that workers deserved could be obtained through bargaining. Rights obtained through legislation could be weakened, altered or twisted by the interpretation of the courts. (112) There was a

further fear that what the government gave could as easily be taken away. What was sanctioned by contract could not be so easily removed.

Communist or left-wing ideologies were distrusted in the bulk of the American labour movement as far back as the end of the first world war when the American Government and the nascent FBI took steps to remove Communists, anarchists, socialists and other radicals from any positions of influence in any American organization. (113) Anti-Communism was not merely a 1950's Cold War point of view, it existed in the United States long before that point. Gompers was firmly anti-Communist and firmly opposed to government action in the area of labour relations and his legacy remained with the American labour movement long after his death in 1924.

The voluntarist point of view was one which eschewed labour involvement in politics for the most part. Labour ought not to be involved in political partisanship and should be left free at all times to vote for or support whichever party or candidate most supported the freedom of the union movement to exercise its private rights. Reliance on governmental intervention would lead to a weakening of the union movement where they would lose the ability to take action on their own behalf. Legislation would alter the balance of power between negotiating parties, a balance that would take shape automatically if parties were left free to bargain themselves. Gompers held that the skilled workers and craftsmen were the elite of the labour movement, essential to their employers and thus most capable of hammering out advantageous deals. Thus the focus in organization and negotiation was to be on them. They were to be the vanguard, and others should rely on their leadership. (114)

Gompers was in 1919 the Chairman of an International Commission on International Labour Legislation. His attempts to convert the Europeans to voluntarism failed and his arguments fell on deaf ears. The Europeans had a positive theory of labour legislation which contrasted sharply with the prevalant American view. (115) Legislation was seen in Europe as a positive step towards assuring basic and fundamental rights for large number of workers and for redressing wrongs. The Americans found that a difficult proposal to accept save only in the most basic areas of protection for women and children. The Canadian labour movement was somewhere between these two points of view. There was heavy American influence on the labour movement in Canada through the International unions and through the contacts maintained between Canada and the United States in a number of different areas. And yet in Canada, there was not the same distrust and fear of Communism and other left wing ideologies as there was in the United States. There was a heavy influence of more moderate left wing points of view. Many

labour leaders were first generation Canadians from Europe and their more favourable views of the value of legislation were part of the baggage they brought with them. Never in Canada was there the dominating presence of one ideology to speak for all of labour to the same extent that the AFL spoke for American labour for some time.

Yet even the AFL could not remain a monolith forever, and the anti-legislative point of view and insistence upon the craft unit as most appropriate for bargaining were weak spots of their ideology to be challenged by the newly formed Congress of Industrial Organization (CIO) in 1936. By the time the CIO had formed the Depression had been working for some time to soften the resistance of anti-legislative forces to government intervention. The Depression was an enormously dispiriting experience for those who put all their faith in collective bargaining and decried government handouts as weakening to the moral fibre of the nation. It became apparent that some level of government intervention was necessary if workers were not to take the brunt of economic bad times and starve in the streets through no fault of their own. The CIO emerged as the great challenger to the AFL based on their belief that all workers should be organized and that an industrial unit of organization was preferable to the craft unit. Industrial organization meant that all the workers in a given industry or business should be organized into one union as opposed to having different unions represent the different crafts at one site. The CIO concentrated on organizing those workers who had until now been ignored by the AFL, those on the bottom layer of the job scale, those in the poorest paying occupations. The CIO also held that the unionized worker had a responsibility to the non-unionized, not just to show them the way by shining example, but to make positive efforts to increase the minimum standards required in the workplace. (116)

Throughout the thirties, there was what amounted to almost open warfare between the CIO and the AFL with the AFL fearing, perhaps with some justification, that minimum standards would became the norm, and minimum wages the maximum. The AFL feared that legislative standards would become entrenched as industry standards thus removing the power of the union to bargain for standards in excess of this. Experience slowly taught them that this would not necessarily be the case and so they relaxed their views and came to reluctantly support some such legislation reasoning that it would in the end apply only to entry level workers.

The problems and conflicts between the AFL and the CIO in the United States were mirrored in Canada as well. Each group had its Canadian supporters and its Canadian affiliates and the AFL exerted heavy pressure on the Canadian Trades and Labour Congress (TLC) to expel from the TLC all CIO affiliated unions. In the end this

was done thus giving rise to a split in the Canadian labour movement between the TLC and the Canadian Congress of Labour (CCL) which was identical to the split in the United States and would not be healed until the eventual merger of the AFL and the CIO in 1955. In Canada, the TLC and the CCL were never as far apart from one another as the AFL and CIO in the States were. The ideological divisons of their American parents were never as clearly demarcated in Canada. Canadian unions had pressed the government for years to consider certain forms of legislation and legislative change, and no matter what the prevailing mood in the United States, they continued to do so. Canadian labour organizations always took an interest in legislative change and their proposed legislation was never confined to the sorts of facilitative changes championed by Samuel Gompers. From individual unions to city labour councils to provincial organizations to national groups like the TLC and the CCL, there were continual resolutions, suggestions, petitions, requests and even draft legislation. There were straightforward resolutions to create minimum wages and eight-hour days, more radical ones to introduce pension plans and unemployment insurance, and even more radical ones to nationalize all industry and put it into worker control. Canadians elected labour and socialist members to Parliament who spoke for worker concerns, and in many cities and provinces, there was labour representation on city councils and in the legislature. (117) These representatives were explicitly recognized as speaking for workers. Gompers had always declined to support the idea of independent political action by labour, preferring instead to throw support behind whichever politician or party could be seen to be sympathetic at that moment. (118)

Alberta unions had always been in the vanguard of the Canadian left. Notwithstanding Alberta's consistent history of conservative government, Alberta was home to some of the most radical of labour and political movements and birthplace of both the One Big Union (OBU) in 1919 and the Co-operative Commonwealth Federation (CCF) in 1932. Alberta had a Socialist MLA as early as 1909 (Charlie O'Brien - Rocky Mountain). Delegates to the founding convention of the Alberta Federation of Labour (AFL) in 1912 advocated the abolition of the wage system. Alberta delegates to the Trades and Labour Congress (TLC) annual convention in Toronto in 1918 advocated worker control of the means of production and congratulated the newly formed Soviet government in Russia. There was at this convention a split between western and eastern unions with the west openly and radically left-wing and the east far more conservative. Workers in Edmonton and Calgary went out on sympathy strikes at the time of the Winnipeg General strike, some workers going the distance and staying off the job for the

full month that the strike lasted in Winnipeg. In the immediate pre- and post-World War I years, most Alberta labour leaders were leaning towards radicalism and heavy political involvement. At the formation of the Alberta Federation of Labour, one of the major stated purposes of the federation was the obtaining of reform legislation and engaging in political action.

The greater radicalism of the West could be explained in a number of different ways. One explanation has to do with the relative lack of successful AFL organization on the prairies and in British Columbia. AFL organizers spent far less time in the West than in the East and thus their more cautious and conservative ideology had less impact than on unions in Ontario. There was an East-West split in the United States as well with Western Americans being more radical and in a geographical position to influence Western Canada more strongly. Union strength in the West lay in fields traditionally more prone to radicalism, mining and transportation, and the influence of American parent organizations here was less likely to be of the conservative variety. (119) The AFL seemed obsessed with jurisdictional disputes and credentials and affiliations, requiring affiliates in many cases to cut off locals and organizations with whom they had dealt for many years. This strained local loyalties in the West far more it seems than in the East. The West did not have as many skilled tradesmen and craftsmen as the East and the craft method of organization doomed many locals to small ineffective units within small businesses and industries. Such balkanization could be effectively used against the union in the event it ever attempted work action of any type. The West also had a higher proportion of recent immigrants from Europe thus making European style unionism more natural and attractive.

This radicalism eventually faltered and failed in Alberta. Alberta labour leaders became agents of the AFL in many cases and as the AFL won its battles with radicalism in the United States, the victories spread into Canada as well. The AFL and its Canadian branch, the TLC, won their jurisdictional disputes and most independant unions died out. The Depression was a heavy blow to all of organized labour but more so to those unions unaffiliated with some large national or international body. Radicalism became unaffordable to the majority of trade unionists. There was also a perception among some unionists that the Americans were more powerful and influential and could obtain rights for Canadians that they alone could not obtain. Yet the memory of radicalism remained and was kept alive by legitimate left-wing political groups who sought to speak for and represent labour, and never ceased to press for an official link with the Canadian labour movement along the lines of the British Labour Party.

Those labour leaders who were most closely tied to the United States, either because of their positions in AFL affiliated unions or because of basic ideology still often repeated the American line and sought no more than basic bargaining rights. Basic bargaining rights were however essential to what everyone in the union movement sought to achieve. So long as the combination of workers in and of itself could be held to be a wrongful act, there could be no real progress for workers whether organized or unorganized. Even when trade unions were legalized, there was still the problem of getting employers to recognize them as bargaining agents. There were still the problems of employees being fired for union affiliation or not hired in the first place for refusal to agree not to join unions. There were still problems with job action, with strikes and picketing. What the American labour movement had been agitating for was a level playing field where legislation would guarantee the rights of workers and management to meet on equal terms. Beyond that, the Americans believed that labour could take care of itself. NIRA and later the Wagner Act gave them that level playing field. Canadian unionists immediately saw the advantages and began pressing all levels of government for changes in Canadian legislation that would provide the same protections here. The next few years then saw a rapid shift from what was essentially a British system of labour relations governed in the main by common law to an American one characterized by governmental intervention and supervision of the bargaining relationship.

CHAPTER THREE
THE DEPRESSION YEARS

When the Social Credit Government was elected in August 1935, the Department of Trade and Industry responsible for labour matters was a fledgling department with only two employees and no Deputy Minister. Aberhart appointed Ernest Manning the first Minister, and one of his first tasks was to find a Deputy. That Deputy was W.D. King, a former Calgary banker ("not a bankers' banker" (1)), who served as Deputy Minister of the Department until his death. Manning, King, and Mr. R.J. Gaunt, the Department's solicitor, were responsible for conducting all of the business of the newly formed department, including the drawing up of codes under the new Department of Trades and Industry Act (2) in consultation with representatives of the businesses concerned.

The process by which this was done marked the beginning of a style of government and legislating which was to continue for nearly the entire period of the Social Credit Government. Certainly it was a style embraced by Manning himself during the ten years that he was Minister of Trade and Industry and the 25 years that he was Premier of the Province.

> One thing we did, as part of the philosophy of our Government, not only in my Department, was to be very much aware from the outset that the mere fact that a person is elected to a Legislature or named to be a member of a Cabinet does not make him an overnight expert in the affairs of that department. .... So what I did as far as the business community was concerned, was to call in various representatives of the various sections of the business community and tell them quite frankly ... "We want your recommendations. We want your advice. We want your assessment of the things we're proposing to do." (3)

According to Manning the codes, and the code legislation itself, were developed as a result of pressure from the business community to address their concerns for fair competition. (4) But large elements of that community were either sceptical of or hostile to the concept. At a meeting of the Edmonton Chamber of Commerce on January 10, 1936, Manning explained the code system and answered questions from the floor. One question noted, but left unanswered, was, "In what respect does your proposed system of codes differ from the Code system in the United States which is an admitted failure?" Whether Manning declined to answer, or ran out of time is not noted. (5) The T. Eaton Company was openly opposed to a proposed code for the retail trade and detailed their objections in a letter to Manning on March 20, 1936. (6) They felt the codes to be too cumbersome, bureaucratic and difficult to enforce particularly in the retail trade as there were too many retailers and complexities in the system to allow a code to work. The only

result would be to raise prices and reduce competition.

Nonetheless a code was formulated for the retail trade and numerous others. All the codes contained some provisions dealing with labour relations. While they were short sections of lengthy codes that could run to twenty pages, many bore a startling resemblance to NIRA's section 7(a). The Code governing the Barbershop Trade (7) contained clauses 2 and 3 which were word for word identical to NIRA 7(a)(1) and (2). The Retail Trade Code (8) was substantially similar. Both the Auto Industry and Drycleaners Codes (9) contained a clause identical to NIRA s. 7(a)(2). These codes were all formulated following the United States Supreme Court decision that struck down NIRA as being unconstitutional. (10) No mention can be found however that any group ever opposed the codes on the basis of the labour relations sections or attempted an argument against them on those grounds. Whatever rights the codes may have been granting to employees were either unnoticed or unacted upon. The letter from the Eaton's Company makes no mention of these sections notwithstanding that they granted the employees the right to organize at a time when retail workers' unions were beginning a strong organizing campaign in Alberta. This could be because there was no specific machinery in the Act or the codes to deal with refusal to recognize a union or employee organization (anymore than there was in NIRA) and "recognition" appeared to mean only the right to be consulted on the formulation of a code. For all other purposes the association could be easily ignored.

In any event, the Codes had a short life. In operation, they were not appreciated by those who were subject to them. A barber wrote to Aberhart that he was losing business because he worked in a poor area of Edmonton where people could not afford the minimum set price of a cut. (11) The Government found itself blamed for the effects of the codes, and they refused to take it. The industries involved were not prepared to live with the codes they themselves had formulated or to defend them to the public, and so one by one they were rescinded. (12) The short-lived experiment with New Deal type policies to soften the Depression was over. It is worth noting that Manning has denied that the American legislation had any influence upon Alberta legislation notwithstanding the obvious similarities. "[O]ur approaches to the problem were significantly different". (13)

Manning himself did not encourage labour relations to be dealt with through the code system. (14) What the department preferred was that labour matters be dealt with under the Industrial Standards Act (15) where employers and employees reached an agreement through the process laid down in that Act and then incorporated their

agreement into the code. The Industrial Standards Act was another piece of leftover UFA legislation passed in the last legislative session of that government. The Industrial Standards Act followed on similar legislation passed the year before in Quebec. (16) The Act provided for dividing the province into zones and then establishing industrial standards for industries within each zone. The Minister in charge of the Act was empowered to call a conference upon petition of representatives of employers or employees in any industry in any one or more zones. The conference would investigate or consider the condition of labour in any such industry and negotiate standard rates of pay and hours. If the Minister considered that a schedule of wages and hours was agreed upon by a proper and sufficient representation of employers and employees, he could have that schedule declared in force and binding for a period of twelve months on all employers and employees in the industry concerned in the zones to which the schedule applied. (17)

This form of collective bargaining is one where the agreement reached by the parties actually in attendance at the conference is extended by government authority to include all others in the same industry in the same area. The justification for doing it is to provide an incentive to bargain and some sort of protection for those employers who agree to bargain with employee representatives. The representatives did not necessarily have to be members of a trade union nor were they prevented from being members. Alberta legislation provided ab initio that any agreement entered into would be generally binding and parties engaged in negotiations with the clear understanding that this was the case. (18)

Industrial Standards Officers were appointed to ensure compliance with the Act and the regulations and schedules. Schedules were to be conspicuously posted in the place of work. Records of employees and all conditions of labour were to be kept available for inspection. Failure to abide by the act or schedules was an offence punishable on summary conviction with fines ranging to $100.00. (19)

Women or girls could not engage in work which violated the Minimum Wage Act or the Factories Act and no schedule could pay them less than required by those Acts, or require them to work longer hours. (20)

The first schedule to the Act was approved on August 17, 1935, five days before the election that brought the Social Credit to power. This was a schedule for the plumbing and heating industry agreed to in a conference on August 14. (21) The schedule dealt with hours of work, minimum wages, overtime, holidays, emergency and out of town work and the payment of wages.

This method of negotiating agreements by way of conferences of interested groups was one which was very much in tune ideologically with the Social Credit government's own orientation. While the actual agreement was one developed by the employers and the employees, the government was always present as an impartial adjudicator. The Minister had a broad discretion as to whether or not a schedule would be approved.

There was no specific right on the part of employees to be represented by an association during the conferences, but the right is impliedly there as the act contains a definition of "association of employees". (22) The presence of the definition is rather curious as nowhere in the act is the term "association of employees" used. An association of employees is defined to mean a group organized for the purpose of advancing their economic conditions free of undue influence, domination restraint or interference from employers.

The formulation of schedules under the Industrial Standards Act could be seen as a method of circumventing trade unions, although in fact they did take part in the negotiations and were of great importance to the success of the scheme. Moreover, it can be argued that given the low level of unionization in Alberta, and the fact that the majority of workers were employed in small businesses, the trade union was not at that time "an effective vehicle for labour agreements for the majority of workmen". (23) Schedules were a means by which larger numbers of workmen could receive some of the benefits of group bargaining. However, after the initial success of the schedules during the 1930s, the number of conferences and schedules reached a peak in 1938 and fell off rapidly thereafter. (24) Many schedules were simply allowed to lapse as more conventional collective bargaining replaced them. Initially labour supported schedules and urged their use, but as time went on, they became more indifferent to them. There never was a call from organized labour to get rid of them, but they were quietly dropped from a major revision of the Labour Act by a new Conservative government in 1973 on the grounds that they had outlived their usefulness. (25)

In an attempt to make the schedules more like collective bargaining, s. 8 of the Act was amended in 1938 so that schedules which intitially covered only hours and wages could now cover overtime and overtime pay, classifications of employees, definitions of terms in the schedules, and days and hours during which normal work would take place. (26) Advisory committees were authorized to alter the schedules to permit overtime or allow for payment to workers at less than the rate authorized by the schedule. (27) The advisory committees referred to could only be the boards established

under s. 15 (and referred to only as "boards") which consisted of five members of the industry concerned who would hear complaints and aid generally in the administration of the schedules. The difference in wording is not that unusual in labour legislation of this period which frequently had confusing cross-references or terms used without any definitions, or definitions used without the term being found anywhere in the Act. (28) Not until 1947, was this particular anomaly corrected in the Alberta Labour Act of that year. (29)

The first major labour dispute faced by the new Social Credit government was a dispute at the Calgary Herald involving the International Typographical Union. This was to foreshadow a larger dispute at the Calgary Albertan the next year involving essentially the same issues. Typesetters at the Calgary Herald had been operating under a union agreement made in May of 1933. (30) That agreement required a closed shop and the union undertook to supply sufficient union members to meet the paper's requirements. The International Union itself had adopted a requirement for a five day week but the Canadian locals had in the initial agreements excluded the requirement for the five day week and operated on a six day week instead. Herald management agreed to a trial of a scheme whereby typesetters who had worked for five days could take it upon themselves to engage a substitute for the sixth day but the scheme was abandoned in May 1934. After this time, the International passed a resolution requiring a compulsory five day or 40 hour week and the Local then contended that this should be put into effect at the Herald. Management, having tried the scheme, refused and the matter was put to arbitration, the award coming out in February, 1935. The award decided against the union. In negotiations for a new contract the Local continued to insist that they had the right to engage substitute workers and that management had no right of any kind to interfere as long as their newspaper was being printed on schedule. Further, they maintained that they were required by the International to make the five day week obligatory and thus provide some work for out of work members. The Herald was of the opinion that workers were engaged to work the regular work week of six days and that they were not prepared to deal with problems concerning the availability and competence of substitutes.

A number of the employees were themselves in agreement with management on this point. 31 of the 50 employees in the composing room left the International Typographical Union and formed a new union, the Calgary Newspaper Printers' Association, affiliated with the All-Canadian Congress of Labour. Crucial to this decision appears to have been the dislike by the Canadians of having to obey orders from the

American International to impose certain terms in their contracts. In a notice, the new President said

> [the majority of members are] not desiring to be further bound by International Laws formulated in the United States and made arbitrarily applicable to Canadian membership... (31)

An agreement was reached quickly with the new union and that agreement called, as the previous one had, for a closed shop. Those employees remaining loyal to the old union found themselves off the list of workmen and chose to treat this as a wrongful dismissal. They then sued.

In September, 1935, a request came to the government to intervene in the dispute at the Calgary Herald. (32) Attorney-General Hugill advised Aberhart not to intervene in the dispute.

> I see no useful purpose accomplished in any event by the establishment of a Board of Conciliation other than a bill of expense to the government. (33)

Pressed by Aberhart to expand on his position, Hugill reverted to the legal argument that as the dispute affected only a minority of employees, there was no power to appoint a conciliation board. (34) There is some substantial doubt as to whether Hugill's argument was valid. Certainly the Labour Disputes Act of the day limited the ability of the government to get involved. A "dispute" in the Act was defined to mean one between an employer and "one or more of his employees" and an "employer" was anyone employing ten or more persons. Disputes specifically included disputes over the hiring or dismissal or giving preference in employment to certain classes of people. (35) The dispute at the Calgary Herald certainly seems to have fallen into this category. There were somewhere between 13 and 19 employees affected and thus, although they were a minority of the employees, nothing in the act prevented a dispute involving such a substantial minority from being sent to conciliation. The concept that a "dispute" could only be properly characterized as such if it involved a majority of employees was not present in the Labour Disputes Act although it was to be included in the Industrial Conciliation and Arbitration Act passed in 1938. (36) But the Labour Disputes Act did contain a provision requiring a declaration that a strike or lockout was imminent. (37) It is possible that Hugill was claiming that no strike could be imminent when the dispute involved a minority of employees.

It is not impossible that the reason for a failure to intervene in the Herald dispute

was related to Aberhart's emnity for the Herald which Aberhart had, during one stage of the election campaign, suggested boycotting for its unfair treatment of him. (38) However, from the correspondence on record it would appear that it was Hugill rather than Aberhart who dampened the hopes of the union. Aberhart as a new Premier with no legal training or experience whatsoever, relied on his Attorney-General for his interpretation of the best course for the government.

With the government refusing to get involved, a legal action for wrongful dismissal was the only option. 13 members of the old union took this action. The case was dismissed at the trial level and also on appeal to the Alberta Court of Appeal. (39) The Court of Appeal ruled that the agreement that had been in effect with the Typographical Union was not an agreement to which any of the individual members were parties. The only party to that agreement was the union. Harvey, C.J.A. stated that the plaintiffs could not show that there had been any individual contract of service between any of the plaintiffs and the Herald. That being the case, there could be no breach of any individual contract and no action for wrongful dismissal. (40)

In January, 1936, similar issues led the union to strike at the Calgary Albertan. (41) Matters were now more serious as the Albertan brought in workers characterized as strikebreakers. (It is not entirely clear, but they could have been workers with allegiance to the rival union.) A request for conciliation was turned down here as well and the Albertan managed to continue publishing. But this dispute did not die quietly as the affair at the Herald had. There was some violence on the picket line and one disgruntled ex-employee even broke into the plant and damaged equipment. The government's eventual response was an odd one. It bought the Albertan. (42) It has been alleged that this move was one necessary to break the existing union and install a more tractable one (43) - the Canadian Printers Union. This view may have some validity to it, but it cannot be forgotten that Social Credit were savaged by the press in the 1935 election and were looking for a sympathetic press they might call their own. Aberhart's Bible Institute had previously involved itself in radio ownership, and press ownership was close to the same thing. (44) The Social Credit preoccupation with controlling the press was later to come to a head in the infamous Alberta Press Bill (45) but the buying of the Albertan was more likely than not an early manifestation of the Social Credit need to control the media rather than a desire to manipulate trade unions. Manning has stated that the government bought the paper to ensure that there was "at least one vehicle in which there could be objective reporting of what the Government was trying to accomplish". (46) The Albertan was in trouble, therefore it was an easy target for a takeover.

The dispute at the Albertan was also a jurisdictional dispute between rival unions. Although the Canadian Printers Union has been characterized as a more tractable one, the issues at stake here were much more serious. It was at this precise time that the ideological disputes in the United States were giving rise to the birth of the CIO and the successful unions both at the Herald and at the Albertan would become affiliated with that organization at a later date. They were also affiliated with the All-Canadian Congress of Labour, a nationalistic organization which resented interference from American Internationals and strove for Canadian independence from American orders. Rather than being a manifestation of union busting, the success of the Calgary printers in ousting the Typographical Union could be seen as easily as an early sign of Canadian nationalism and of the more radical approach to labour organization favoured by the industrial unions. The Alberta Federation of Labour objected strongly to events in Calgary but they were affiliated with the rival Canadian organization, the TLC, and through them with the American Federation of Labour. Fred White, the Alberta Federation of Labour's President, was involved in both matters, having been the union's nominee in the arbitration at the Herald in 1935 and leading the strike at the Albertan in 1936. The "authorized" version of events might indicate that these incidents were the first to show the Social Credit government's anti-labour bias, but in truth there is little to support such an allegation and much to disprove it.

The Premier was the frequent recipient of letters pleading for consideration for individuals charged with criminal offences in labour matters. Few of these cases were ever reported most being minor matters dealt with by police magistrates or provincial court judges. In 1935, both Aberhart and Hugill received letters and petitions with respect to Murdoch Clarke (47) and William Chibrie, both charged with extortion (48) because, it was alleged, they were attempting to organize restaurant workers and enforce minimum wage laws. Other letters came in subsequent years protesting charges for watching and besetting, detaining possession of premises and intimidation. (49) But all in all, it is notable that so few letters were ever sent to do with labour matters. The public concern was next to nil compared with their concern about French radio, Hutterites, undesireable aliens, public service vehicle licenses and the like about which there was voluminous mail. General letters on the subject of labour were almost non-existent. Manning has confirmed that public interest in labour matters was very small. "... the circumstances were such that it was not an issue which came readily to public attention". (50)

There was however concern on the part of the government as to these individuals charged with offences. The government was concerned that communist or foreign

influences were being brought to bear on Alberta workers. Undoubtedly employers faced with difficult labour situations particularly when those situations were incited by outsiders had suggested to the government that it was in fact communist or socialist in origin, and probably criminal. In the labour camps, there was renewed unrest in the middle 1930's and the unrest was being sparked by just such outsiders. Following the passage of the Freedom of Trade Union Association Act in 1937, attempts were made to organize lumber camps in Hinton, Whitecourt and elsewhere. (51) Conditions in the camps were primitive in the extreme and workers were subjected to extremely harsh conditions and low wages. Many lived in the camps along with the wives and children and poverty in these areas was general. (52) It was a ripe area for the CIO and in 1937, they moved in through the International Woodworkers of America. Camp operators responded by banning organizers from the camps and sometimes firing or disciplining employees who spoke to them. The camps were private property and those who lived in them often never left, all their needs being taken care of there. (53) Thus the organizers found their work very difficult.

One organizer, Sydney Thompson, brought a complaint against the J. Burrows Lumber Camp under the Freedom of Trade Union Association Act that the men were being prevented from exercising their freedom to join the union by threats of discharge. The Police Magistrate to whom the complaint was brought, Walter Baynes of Breton, was sufficiently nervous about the charge as to ask for advice from the Attorney-General. His opinion was that if the charge were brought there was going to be trouble in the camps. (54) Henwood replied that the charge was a legitimate one under the Act but that Baynes must impress upon Thompson his heavy obligation with respect to proof of such a charge. (55) In the event, the charge was dismissed upon the curious ground that Thompson was unable to prove that J. Burrows was an employer. (56)

The interesting side effect to this occurrence was that a request came from the Department of Trade and Industry to investigate those who were attempting to organize the camps. It cannot be known with any certainty whether Sydney Thompson's attempt to enforce the Freedom of Trade Union Association Act was the catalyst for the request, or complaints from the lumber camp operators or independant information, but the request came from the Minister, Mr. Manning.

> The Minister would appreciate you requesting the Officer Commanding the R.C.M.P. to have a confidential checkup made regarding these activities, and particularly as to the nationality and background of the principal organizers. (57)

Seven men, all affiliated with the International Woodworkers, were investigated

and Sydney Thompson was one of them. The R.C.M.P. report showed Thompson to be a 24 year old Canadian Communist with a record for vagrancy, insubordination, distributing subversive handbills, parading without a permit, disorderly conduct and unlawful assembly. A similar record was shown for Robert Savage, alias William Henderson, a 25 year old British-born Communist. The other five men had no criminal records but the police duly reported vague allegations against them such as "causing trouble at a relief camp", "slightly weak-minded", and an allegation against one man that he had deliberately drained oil from an employer's truck and drove it around until the engine seized. One man, it was alleged, had embezzled money from a Communist party branch office. Only one of the seven was known to be an employee of the CIO, Mr. O.E.Berg, who was being paid directly by the CIO for his organizing activities in Alberta. (58) There is no record of any actions being taken against any of these men or charges laid against them. In any event, the organizing campaign fizzled out, and conditions in the camps remained as primitive 20 years later as they were in the 1930's. (59)

The sugar beet strike of spring 1936 showed the government in operation on labour matters. The were extremely loath to interfere in farm matters. Eleven hundred workers, members of the Beetworkers International Union, went out on strike in May demanding union recognition and pay increases. This followed on complaints from the workers at the Picture Butte Sugar Refinery that outside workers were being brought in to take jobs. (60) The workers in the field however were concerned with living conditions described as inhumane, workers living in "rebuilt chicken coops". (61) Apparently, the Social Credit Government had a difficult time imagining the sugar beet workers as real labourers. They were farm workers and worked for small individual farmers. The government found it hard to see the real power these farmers had when joined together collectively. Throughout the Social Credit mandate the government resisted all pressure to include farm workers in the Labour Act or in any labour legislation, understandable in a province where rural populations held considerable political clout.

The sugar beet strike was a bitter one. Strikers were evicted from their homes and replacement workers brought in from as far away as Edmonton. (62) Strikes were to be repeated in 1937 and 1938. At issue were wages and working and living conditions but at the heart of the difficulty was the refusal of the Beet Growers Association to bargain collectively with the workers. They took the stance that contracts were individual ones, individual growers with individual workers, and that the association had no power over

individual growers in labour matters. That stance was accepted by the government who continued to keep a hands-off approach to intervention. (63)

Growers were adamant in their refusal to bargain collectively and treated striking workers as discharged, thus entitling the growers to evict them from their "company-owned" homes. However, eviction orders had to be obtained from District Court when strikers refused to leave and with some 500- 800 cases to deal with, the process took too long for the growers. They asked the government to endow the police with extraordinary powers to hear and decide eviction cases on the spot. The government declined to do this. (64) However, they did provide the services of the Provincial Labour Board to recruit strikebreakers, refusing to discriminate between employers seeking regular workers and those seeking strikebreakers. (65)

Police involvement in the strike was heavy. Reports and accusations of violence and intimidation flew back and forth, and in the end whatever negotiations there were took place under police surveillance. (66)

The Beetworkers Union was doomed by the growers' intransigence and the government's interpretation of the situation. Under the 1926 Labour Disputes Act, in force until April 1938, "employer" meant a person employing ten or more persons, (67) and Manning was of the opinion that the Act therefore could not apply to the Beetgrowers. He was further of the opinion that the growers were not "persons ... acting together [with] interests in common" so as to make them employers. (68) The 1926 Act did not exempt farm workers at this time. Therefore, if the Beetgrowers could be found to be persons acting together, the workers would be entitled to have the government step in and establish a board of conciliation and investigation. It is not impossible to see the hand of the Attorney-General, Mr. Hugill, in this matter as well. Undoubtedly, his opinion would have been sought as to legal interpretations and given his negative response to the request for intervention by the Calgary Herald workers the year before, in this matter, which was more straightforward, his response would have been identical, that there was no legal right to intervene. That Hugill did play some part in the dispute is certain as he received a letter from the Alberta Co-op Sugar Beet Growers in June of 1936 thanking him for his assistance. (69)

When the Social Credit government repealed the 1926 Act and passed the 1938 Industrial Conciliation and Arbitration Act, the definition of employer was altered so that one employee was sufficient, but so too the definition of employee changed to remove any employed in agriculture or domestic service. (70) Thus the beetworkers were again frustrated by not being considered employees under the new act. This exemption was in

line with other recent legislation, the Hours of Work Act (71) and the Male Minimum Wage Act (72) which also exempted farm labourers and domestic servants. There was particular frustration as the exemption also seemed to remove a legal freedom granted to them only one year previously, which was to say the freedom to form themselves into a trade union granted by the Freedom of Trade Union Association Act. (73) That act was repealed upon the passage of the Industrial Conciliation and Arbitration Act, (74) and the new definition of employee contained in the new act would seem to have removed the right of trade union association from all agricultural workers. (75) Not until 1968 would farm workers in commercial undertakings be included in the definition of employee. (76)

The position of farm workers and also of domestic servants was one which always retained the imprint of the old personal employment relationship. There is a long history in all Canadian provinces of statutory exclusion of both farm labourers and domestic servants from most protective and enabling legislation. In this, the legislatures showed their reluctance to enter the private domain of the home and interfere with employment practices there. Farm labourers were included with domestics because most agricultural employees in the early days were in the nature of hired hands, either integrated into the farm family or seasonal workers. The beetworkers situation showed how the government could include in that group large scale operations such as the beet farms essentially upon the grounds that the employer was a single farmer and his employees did not differ in any essential way from a those in a small operation. The courts could extend the concept of domestic servant quite far as in the case of Forgues v. Fahler School District (77) where a janitor working for a school district was held to be a domestic servant and thus unentitled to the protection of the Hours of Work Act. (78)

To this day domestic servants and farm labourers living in the home of their employers are unprotected by most legislation. The Individual Rights Protection Act (79) does not apply to them, and domestics only became included in protective legislation in the Employment Standards Code of 1988. (80)

In other provinces during this period, exemption of farm labourers and domestics was routine. In most cases there was a specific exemption but in others, such as various Factories Acts, the application of the Act was limited to situations that would necessarily exclude them. (81) Saskatchewan's Minimum Wage Act, as an example, applied only to shops and factories. (82) Most provinces' Hours of Work legislation applied only to specifically listed "industrial undertakings". (83) British Columbia's Factories Act in its section on "homework" specifically excluded those who performed such work in the home of their employer, i.e. domestics. (84) Manitoba's Factories Act specifically

excluded domestics save only in the curious case where they might be employed in Chinese laundries. (85) Such an exemption makes it clear that the legislatures were not concerned that domestics in more "ordinary" circumstances were being over-worked, underpaid or otherwise ill treated. There was an implicit trust that most people were engaging in fair employment practices anyway.

Any province which had passed the Freedom of Trade Union Act (86) had not excluded domestics or farm labourers from its coverage and they therefore had the freedom to organize. But as it was only the right to organize that was given and not the right to be recognized or to negotiate, they would have been of little help. Exclusion from conciliation or arbitration legislation was general. Manning maintained that, in Alberta at least, the exclusion of farm labourers and domestics was a matter of policy. Rural people would never have accepted placing farm labourers under the various acts as the majority of farm labourers were temporary and a farmer's business was not the sort of commercial business the acts were aimed at.

> There was no legislation applying to hours of work or wages on the farms -that was entirely a private deal between the farmer and the employee. There was a great division of opinion on this. The labour movement wanted these provisions extended to farm labour and to domestic help, which was also excluded. The farm organizations, on the whole, were very much opposed to having labour legislation apply to them at all. They said "Our circumstances are entirely different to an industry. We have to sow the crop when the weather's dry, and we have to harvest it when it's dry. And it can't be eight or twelve hours - we work 24 hours a day to get the crop off. It's erratic." Those were the main reasons why it had never been included in labour legislation. (87)

Alberta's exclusion of farm labourers and domestics was not at all out of line with what was the norm in other jurisdictions. Even the Federal Wartime Labour Regulations, P.C. 1003, excluded them along with a great many other workers. (88) No other workers as a large group were ever statutorily excluded from the operation of labour legislation in Alberta and so arguably Alberta legislation covered more workers during the 1930's and 1940's than any other province.

The Freedom of Trade Union Association Act (FTUA) was a curious one, the only piece of Alberta labour legislation whose origin was entirely the result of union and labour pressure. In February of 1937, the Alberta Federation of Labour in its annual legislative memo to the government included a draft Freedom of Trade Union Association Act as proposed by the Trades and Labour Congress of Canada. (89) An unsigned memo from the Ottawa offices of the TLC explaining the purpose of the Act went along with it. Letters with copies of the Act urging its acceptance were sent throughout the month of

March by the Mines Workers of America, the International Union of Operating Engineers, the Calgary Trades and Labour Council and the Communist Party. (90) The Canadian Manufacturers' Association on the other hand, sent a letter to Aberhart urging the government not to pass the bill warning that Alberta was alone in considering its passage. (It was not.) (91) The letter went on to offer alternatives to the bill in order to provide a bare legality for union membership and collective bargaining. The letter, dated April 6th, 1937, was presumably too late to affect consideration of the bill which became law on April 14th. The Alberta Act is almost word for word the same as the draft bill excepting only s. 6, and even there, the essential thrust remains the same with only some redrafting of a rather verbose original section. This must have represented quite a victory for labour forces in Alberta to see so quick and direct a result of their lobbying. But the FTUA Act was flawed legislation, as the AFL itself noted in its legislative memo to the government in December of the same year. (92) The Act contained nothing making it obligatory for employers to bargain with their employees and so the AFL requested amendments to deal with this gap. Why they had not noted this as a problem before submitting the draft legislation is unknown. Perhaps they had optimistically assumed that once legislation establishing collective bargaining was in place, employers would voluntarily accede to it. Perhaps the influence of Gompers style American voluntarism had dictated this conservative approach of merely removing the legal barriers to union rights.

The Canadian Manufacturers' Association may not have acted in time to prevent the passage of the FTUA Act but it appears their influence was felt when provisions of that act were incorporated into the 1938 Industrial Conciliation and Arbitration Act (ICA). While Manning maintained in a letter to Aberhart that all the "powers and rights granted in the former were included and expanded in the latter", (93) there are crucial aspects of the FTUA Act that were not to see the light of day again. The definition of trade union in the FTUA Act specifically excluded organizations where there was undue influence, domination, restraint or interference by employers. (94) The ICA Act contained only a definition of "organization of employees", which included a trade union, but was defined simply as any group formed for the purpose of regulating relations between employers and employees. (95) This was odd as the Industrial Standards Act contained a definition of "association of employees" essentially the same as the FTUA Act and continued that definition until 1947. This anomalous situation continued through into the 1947 consolidated Alberta Labour Act where Part IV dealing with industrial standards contained that Act's definition and Part V dealing with arbitration continued the ICA Act

definition. (96) Theoretically, there was no place for a company dominated union in the formulation of schedules, but such a phenomenon could occur in collective bargaining. (97) Not until 1950 was it altered. This may be simply the result of messy drafting and nothing more sinister, but it remains strange none the less.

The FTUA Act also included a clause holding directors and managers of companies responsible for any anti-union activity prohibited by the act notwithstanding any lack of personal involvement or knowledge. (98) This clause did not make it into the ICA Act nor into any subsequent legislation. Such a clause obviously has enormous worth in requiring larger organizations to set policy requirements with respect to unions and see that all members of the organization abide by them.

From its inception, the Alberta Federation of Labour was active in urging legislative changes and proposals. The Social Credit government received its first AFL Legislative Memo in February of 1936 following the AFL convention January 13-15, 1936. (99) The AFL at that convention made the somewhat grandiose claim that they were "the originator of all advanced social legislation now upon the statute books of this province". (100) Numerous calls for legislation were made by the convention. The Miners called for the repeal of s. 98 of the Criminal Code, watching and besetting, or at least the reintroduction of the clause inexplicably missing since 1896 providing that the mere obtaining or conveying of information was not a watching and besetting. (101) This was still a matter of tremendous concern to unionists as it was a potent weapon against unions involved in legal strikes and peaceful picketing. The matter however was clearly in federal jurisdiction, and the missing clause was reinserted after many requests by the Federal government in 1938. (102) The convention called for the repeal of the Trades and Industries Act which in their opinion deprived labour of the right of collective bargaining and the right to strike. At the very least, no codes should be enacted under that Act until agreements had been reached under the Industrial Standards Act. This particular request was not included in the legislative memo but it would have accorded with Manning's own sentiments on the subject as he preferred labour matters to be dealt with elsewhere than in the codes. (103) Several other convention resolutions were included in the legislative memo. The AFL asked for amendments to the Industrial Disputes Act to shorten the period between a request for and the establishment of a conciliation board, at that time 15 days. This objection was met in the ICA Act where the period was shortened to 3 days. (104) The AFL further objected to the Labour Disputes Act's limited coverage in s. 23 to disputes where the number of employees was 10 or more. This had been perceived to be one of the stumbling blocks in the recently concluded Calgary Herald strike, Hugill

advising Aberhart of the Act's non-applicability due to the small number of employees. Of course, in many cases the unions could have come up with a way around this themselves by organizing on an industrial rather than craft basis, craft organization in a small plant being an excellent divide and conquer strategy, particularly in a province where the degree of industrialization was slight. But the AFL was affiliated with the American Federation of Labour, unlikely to see industrial organization as any answer to their problems. In any event, by 1938, disputes referable to arbitration were not limited by the size of the employee unit. (105) That requirement was removed in the ICA Act.

The AFL criticized the operation of the Minimum Wage Act then in force for women. The Inspector was doing the best he could under the circumstances, they asserted, but he required more assistance and greater powers. It is quite conceivable that the effect of the Minimum wage laws at this time was negligible and the AFL might have had a good point. Manning, in later interviews, seems to have occasionally forgotten that there was a Female Minimum Wage Act, and a minimum wage under s. 20 of the Factories Act and an Inspector to enforce these acts. However, the minimum wage applied only in towns and cities over 5000 population leaving rural and small town workers unprotected by any legislation. (106) The AFL also proposed a minimum wage for men. There was what was to be perennial request for an 8 hour work day with no work on Sundays save only in emergencies. Firefighters and nurses in particular should only be required to work 8 hours.

To these last requests, the government made some attempt to accede. Both a Male Minimum Wage Act (107) and an Hours of Work Act (108) were passed in 1936. The Male Minimum Wage Act provided for quite far reaching powers of inspection for inspectors and serious penalties for the violation of the Act. Either employer or employee were liable for fines of up to 500 dollars or imprisonment for up to six months. Both were also liable to the cancellation or suspension of any license held under the Licensing of Trades and Businesses Act. (109) Similar penalties were also provided against employers who discriminated in any way against employees who sought to enforce their rights under the Act. (110) There was also a provision for a civil action for recovery of money where an employee had been underpaid. (111)

The Hours of Work Act set the maximum number of hours of work as eight in a day and forty-eight in a week for female employees, and nine and fifty-four for males. (112) This did not apply to persons in supervisory or managerial categories. (113) Daily limits could be exceeded by one hour in cases of common practice where the weekly limit would not be exceeded thereby. (114) Limits could be exceeded in case of emergency,

accident or urgent work, but reports justifying such action were required to be sent to the Board of Industrial Relations, newly created to administer this Act. (115) It is interesting to note that an early draft of the Hours of Work Act had initially acceded to the AFL request for an eight hour day. Originally, the bill called for eight and forty-eight hours for both men and women. (116) It is not possible to know with any certainty whether this initial draft represented a genuine desire on the part of the government to initiate an eight hour day across the board, or whether it was merely a drafting over-sight or typographical error.

The initiation of minimum wages for men marked the end of a period when many labour leaders, adhering to a voluntaristic point of view, had eschewed protective legislation for men. That was no longer an issue. It apparently never was an issue for the government, Manning recognizing the difficult position men were in from the beginning.

> ... we started looking at minimum wages. Workmen were taking an awful beating in those days, even recognizing the conditions of the Depression, which meant that certainly nobody could afford to pay very much for anything. But nevertheless, workmen were being exploited. (117)

On the other hand, Manning also asserted that his government had to resist, sometimes very strongly, the attempts of labour to press for greater and greater minimum wages. (118) At some point, he felt, the minimum wage would increase to the point where it would become counterproductive, putting people out of work, a serious concern in a time of still high unemployment. Both the Canadian Manufacturers' Association and the Chamber of Commerce (he did not specify which particular Chamber) were, according to Manning, opposed to any minimum wage at all, but that position was rejected. (119) The CMA felt that prevailing conditions were such that to require minimum wages was something that could not be maintained.

The Hours of Work Act created the Board of Industrial Relations. This Board would become the most powerful instrument of labour policy in Alberta (120) and unique in Canada for the range of its jurisdiction and powers. Eventually all labour matters were to come under its control, a situation not found in any other part of the country where jurisdiction over labour matters was split among a number of different boards. The Board originally had power over the Hours of Work Act and the Male and Female Minimum Wage Acts. In 1937, they were given jurisdiction over the Industrial Standards Act, and in 1944, the Industrial Conciliation and Arbitration Act. In 1943, jurisdiction was complete when they got the Labour Welfare Act which had then replaced portions of the Factories Act. Those portions remaining were administered by a Chief Factory Inspector, who was made an employee of and responsible to the Board of Industrial Relations.

When the consolidated Alberta Labour Act was passed in 1947, the Board of Industrial Relations had control over the entire thing.

The Board was appointed by the Lieutenant-Governor-in-Council and was composed of up to five persons. (121) Its powers included the power to set maximum hours of work, minimum hours of rest, minimum wages and generally to prescribe conditions of employment. (122) Minimum wages could be set on any basis and orders could be varied for different employees or groups of employees. (123) Different wage rates could be set for different industries or for different parts of the province. (124) There was a power to exempt groups from the operation of the various acts. (125) In 1938, the Male Minimum Wage Act was altered to provide the Board with power to order the payment of a fair wage. (126) Such an order would usually be specific to a certain area or industry and apply where a contract required the payment of an unspecified fair wage. The Board had broad powers of inquiry and investigation to ensure compliance with the various acts and regulations. (127) They had the power to give permanent or temporary exemptions to the acts by regulation. Further, they could recognize agreements between employers and employees that necessarily could not comply with the regulations and confirm them, thus giving private arrangements the power of regulation. (128)

Board Order No. 1 passed in 1937 was a general order on the payment of minimum wages. Minimum wages differed with respect to sex, age and experience of the employee in question, experienced males over 21 receiving the highest wages. (129) By 1939, that minimum had risen to 33 1/3¢ per hour, at the time the highest minimum wage in Canada for some classes of employees. (130) Numerous orders were passed during the 1930's dealing with minimum wages for different groups, excluding many groups from the operation of the minimum wage laws. setting special rules for hours of work etc. Some industries had their own Board orders, such as the restaurant and hotel business, oil and gas workers, construction gangs and lumber and mill workers. (131) Greenhouse workers were to be given a minimum wage, differentiating them from farm labourers. (132) An amendment to the Public Service Vehices Act in 1936 (133) (S.A. 1936, c. 91, s. 8(m)) gave the Highway Traffic Board power to set minimum wages for persons to whom that act applied, most notably taxi drivers. A minimum wage for taxi drivers in Edmonton and Calgary was set by Order 110/36 made on December 15, 1936. (134) Rural areas were consistently treated differently than urban areas. A stricter adherence to the acts was required in the cities than was expected in the country, and the minimum wages were higher.

It would appear from the available evidence that infractions of the minimum wage

acts were investigated fairly thoroughly by first, the factory inspectors until 1937, and thereafter the inspectors from the Board of Industrial Relations. The preference was to give the employer the benefit of the doubt and attempt to get him to acknowledge his shortcomings and pay up. The emphasis was on negotiated settlements where at all possible. Prosecution was a last resort.

> You may already be aware that the only cases we take to the Police Court for prosecution are those of stubborn offenders, and then only when we feel we have exhausted every other means to bring them to a realization of their responsibilities. ... One of the reasons that induce us to lay information against an offender is that he may be penalized by a fine, when such is provided, and thus bring forcibly to his attention the fact that it is an expensive action on his part to fail to follow instructions given to him by this Department. (135)

Where prosecution was warranted however, charges were laid. The inspectors often laid the charges themselves without there being any specific complaint by the employee. They travelled around the province and amassed evidence of violations themselves. They treated their job a little like public education, both of the employers and the employees and considered that their job was well done even if it involved nothing more than informing people of their rights and obligations. (136) One particularly sharp-eyed inspector found evidence of a minimum wage infraction in a newspaper account of a damage action. A plaintiff in an injury action was testifying as to his lost wages and indicated that he was receiving 25¢ an hour for his work in a bakery. The minimum rate being 40¢, the inspector commenced an investigation. The employer had testified at the trial as to the 25¢ figure but faced with the inspector, said the rate had been 40¢. The employer then faced the possibility of being charged with perjury for his testimony at the trial. An R.C.M.P. investigation followed but the resulting confusion in testimony led the Attorney-General's Department to abandon the charge of perjury. (137)

One crucial difficulty facing the inspectors in prosecuting charges under the various minimum wage acts and orders was the sometimes open hostility of the police magistrates towards the cases in front of them. The Minimum Wage Act required the written consent of the Minister of Trade and Industry for a prosecution under the Act and when one inspector presented her written authorization to a Calgary police magistrate, the magistrate dismissed the case on the grounds that the inspector could not show that she had seen Mr. Manning sign the paper in person, nor had she ever seen Mr. Manning affix his signature to anything. In response to her complaint to the Attorney-General's office, Gray responded that the law required no proof of the validity of the signature of a public official but the case was apparently dropped at that time. (138) Other objections came

from other magistrates that charges were not properly prepared or that evidence did not exist as to the person's actual employment. Even where convictions were obtained, magistrates themselves sometimes petitioned the Attorney-General for a reduction in the fine or penalty. (139)

Probably the oddest case on record involved a prosecution of a restaurant owner for failing to pay minimum wages to his female employees. (140) Both the prosecutor, Mr. Clarence Smith, and the Chief Factory Inspector, Mr.H.M. Bishop made complaints to the Attorney-General about the magistrate in the case, Mr. George C. Peattie. The Assistant Deputy Minister, Mr. H.J. Wilson acknowledged that "There appears to be no doubt that the Magistrate adopted a very peculiar attitude in the conduct of this case." (141)

The Minimum Wage Act at this time mandated a minimum penalty of $25.00, plus costs, plus back pay owed in the event of a conviction. (142) The Magistrate refused to convict or assess any fine but asked the defendant to agree to pay the waitresses the amount he owed them. He then chose to make the defendant liable on his agreement to pay, but not under the act. He also advised the defendant that if there had not been any agreement to pay, he would have disnissed the charges. The prosecutor, Mr. Smith, then asked the Magistrate to state specifically that the amount being awarded was the difference between the amount paid and the amount owed under the Minimum Wage Act and the Magistrate refused saying "I am not finding him guilty".

> Mr. Smith: Then for the purpose of the record may I ask under what authority are you making an order for him to pay?
> The Magistrate: His agreement.
> Mr. Smith: Well, pursuant to this Act you can only make it under Order 11.
> The Magistrate: I am not taking it under our Act. Our laws are usually based on justice, our British laws, and there is no justice in this Act and I want that on record. Look at our teachers. They are working for less than that girl did and our men are working for eight and ten dollars a month.
> Mr. Smith: With due respect, I should put this on the record and I think I am bound to say it, in view of what you have said. I do not think that you have any right to consider this trial or charge in the view you have. Either this man is guilty of this charge or he is not guilty, and whether your opinion of the act is that it is good, bad, or indifferent cannot have any effect on the trial of this action in your Court and I bring it to your attention in case someone higher shall say I should have brought it to your attention.
> The Magistrate: I am making no change. (143)

Some actions were taken as private prosecutions or as actions under the Masters and Servants Act (144), and lawyers acting for complainants did not always distinguish themselves by the zeal with which they prosecuted these actions. One couple had their

case languish for over two years without a decision having been made before they complained to the Attorney-General. The Clerk of the Court in Vegreville acknowledged that the case had been reserved and no decision had yet been delivered. The lawyer acting for the complainants explained his choice not to press for a decision by saying that the judge in the case did not believe in the minimum wage laws and the lawyer did not wish to upset him by pressing for a decision. The judge was "far too decent a man to be slighted" and in any event the case itself was "too trivial" to bother with. (145)

Frequent attempts were made by employers to avoid the effect of the minimum wage acts by strategems such as putting work out for tender. The Attorney-General believed that if the work itself fell under the control of the act such could not be done. (146) The Male Minimum Wage Act set a different rate for men who had been employed in the same occupation for more than twelve months and those who had been employed for less, so some employers shifted men around in different jobs every eleven months to avoid having to pay the experienced rate. Waitresses were having meals standardly deducted from their wages whether or not they ate at the restaurant. Workers were being put on split shifts or having hours pared down to make them part-time workers and thus allowed lesser rates. (147) A movie theatre operator in Calgary fired all his usherettes over the age of 16 in order to hire younger girls whose wages rates were substantially less. He also paid them at the weekly rate of minimum wages while reducing their hours so that the hourly rate was well below the minimum required. (148)

The practice of sending work out to tender was one which was engaged in by many school districts for their janitorial work. The Attorney-General's Department, when first asked for its opinion, was of the view that the Act did not apply to the operations of school districts as they were not industries, businesses or occupations. (149) A later case proved them wrong. The Act didn't apply, but not because of the nature of the school district's operations, but because of the nature of janitorial work. In Forgues v. Fahler School District, the complainant's case was dismissed on the grounds that janitorial work was the work of a domestic servant and therefore he was not entitled to wages equivalent to the minimum wage. (150)

The Industrial Conciliation and Arbitration Act passed in 1938 was the most comprehensive piece of labour legislation passed by the Social Credit government up to that point. The 1926 Labour Disputes Act was repealed and the ICA Act took its place for labour disputes within provincial jurisdiction. The major impetus for the new legislation was complaints on the inadequacy of the old legislation. Undoubtedly events of the preceding few years showed there to be gaps in existing legislation. Manning

acknowledged the role that organized labour played but indicated that the government had always been sympathetic.

> There had been representations from labour unions particularly, seeking this kind of legislation. That would be the main source of representation to the Government. We were interested in it because, again, the philosophy of the Government was to try to provide a society, an economy, where every person would be assured the maximum measure of justice and equity, and this applied to the question of labour-management relations. So it wasn't something we had to be convinced on; it was in keeping with our philosophy that this type of legislation was desireable. (151)

With respect to the passage of the ICA Act, Manning has specifically commented on the actual process of coming up with the legislation. Much of it was based on the Labour Disputes Act itself, numerous provisions being retained word for word. But other influences came from other jurisdictions most notably Ontario. Discussions were held on an informal departmental level with deputy ministers on other jurisdictions to get an idea of how they handled particular matters. (152) Copies of relevant legislation were obtained.

> If you're drafting legislation on most subjects, you have no difficulty in getting at least a dozen statutes that have been passed in other legislatures or parliaments dealing with the same thing. You can go through them, check out their experience of how they worked or where they didn't work. You pick the best out of them and develop your legislation. (153)

The right of employees to organize into associations and bargain collectively was retained from the Freedom of Trade Union Association Act. But the vital change in the ICA Act was to now require employers to bargain with the legitimate representatives of their employees. Any employer refusing to bargain with the representatives of his employees was made liable to a five hundred dollar fine. (154) The requirement was only to bargain, good faith bargaining not being added until 1944.

Various definitional changes altered the scope of application under the Act. As previously mentioned, both the definitions of employer and employee changed so as to extend coverage to employers with as little as one employee and to deny coverage to domestic servants and farm labourers. A key change was made to the defintion of dispute so that dispute was not defined as a "difference between an employer and a majority of his employees" (s. 2(d)) (155) whereas previously it had been defined as a "difference between an employer and one or more of his employees". (s. 2(e) Labour Disputes Act) (156) This difference could be more apparent than real, as we have seen previously that the Attorney-General read the old section as disallowing intervention in disputes

involving a minority of employees. The new act could be merely the putting into the legislation what had always been the practice previously. The old Act had required that where parties wished the Minister to intervene in a dispute, they were required to swear that a strike or lockout was imminent. Presumably, this was much more unlikely to occur where a dispute affected only a small minority of employees. The new act removed this requirement so that it need not be shown by anyone that some work stoppage was contemplated, only that a dispute existed involving a majority of employees. In this, the province was ahead of many other jurisdictions that continued to rely on the model provided by the Dominion government in the IDI Act which continued to require that a strike or lockout be imminent before intervention take place.

The rest of the definition of dispute remained identical to the 1926 Act thus giving the Board of Industrial Relations, along with the removal of the strike or lockout requirement, the power to intervene in and arbitrate grievances. (157) A further section allowed parties to use their own procedures for the settlement and arbitration of disputes if they had such a procedure in a collective agreement approved in writing by the Minister of Trade and Industry. (158)

One interesting definitional change involved the definitions of "trade Union" and "organization". In the 1926 Act "trade union" is used as the generic term to cover any organization of employees formed for the purpose of regulating relations between employers and employees. In the 1938 Act, it is "organization" that becomes the generic term and a trade union is included. (159) It could be argued that this shift in definition indicates an ideological stance on the part of the government and subsequent legislation might be held to support the view that the government's preference was for employee organizations that were not necessarily affiliated with larger national or international groups. The AFL did press for many years for a definition of trade union that would make explicit the requirement for some national or international affiliation. Such a definition appeared finally in the Act in 1944. (160) But the definition of organization remained as well, and trade unions obtained no greater status or powers than any other organization. Indeed, the government always refused to give trade unions as such any higher degree of recognition than any other organization.

The ICA Act provided that it was lawful for employees to bargain collectively and to conduct that bargaining through duly elected representatives. (161) It was made an offense for an employer to refuse to bargain, or to intimidate employees so as to prevent them from joining an organization or acting as representatives. (162) Employers were not permitted to use threats or intimidation to require trade union membership either, but there

was statutory provision for a closed shop agreement and it was provided that this would not be considered an offence. (163) While not referred to specifically as unfair labour practices, these prohibited practices show that Alberta was moving towards entrenching that concept in provincial law. Previously, only the Freedom of Trade Union Association Act of the year before had prohibited these acts and most of the prohibitions had moved unchanged into the ICA Act.

In order to enforce collective bargaining rights, employees were required to notify the Minister when representatives had been selected. A declaration had to be delivered stating the name and place of business of the employer, the number of employees and the number attending the meeting when the representatives had been chosen, the names of representatives chosen and, in the event of a vote, the result of the vote. Employees were entitled to exclude from the meeting anyone that the majority agreed to exclude. Every employee's organization was required to file yearly copies of its constitution and list of officers, and the Minister could require disclosure of financial records. (164)

The ICA Act continued the voluntary conciliation process established in the Labour Disputes Act. (165) It also continued the provision whereby the Minister could act on his own initiative in instituting conciliation, although now he did not need special circumstances to do it. (166) Access to the arbitration procedures did not depend upon an organization or upon proper notification of the appointment of representatives. Non-trade union employees could equally refer disputes to a conciliator. The Minister was empowered to choose one or more of their number to serve as representatives for the purposes of the Act. (167) If conciliation efforts failed, a Board of Arbitrators would be appointed. The Board would issue recommendations which were required to be voted upon by the employers and employees. (168) No strike or lockout was permitted between the time of the application for a conciliation commissioner until 14 days after the vote on the Board's recommendations. (169) No changes in the conditions of employment could be made after the dispute had arisen and before application for a conciliator was made. (170) Dispute was defined widely to include matters which might be the subject of grievances as well as matters of collective bargaining. Parties with their own grievance arbitration procedure could have that procedure approved and made applicable.

The AFL had asked and were to continue to ask for many years for a separate Department of Labour rather than the existing Department of Trade and Industry. Their argument was that labour laws were only as good as their administration and with both labour and industry run out of the same department there would not be that expertise to guarantee a competent administration of the various pieces of legislation. (171) This was

to be another perennial complaint of the AFL until a Department of Labour was finally established. (172) The failure of the government to create a Department of Labour was taken as proof of an anti-labour bias for years (173) although whether this is a supportable point of view is highly debatable. The Board of Industrial Relations from the beginnng functioned as a Department of Labour and its members were in fact drawn from labour ranks as much as from management. It must be said however, that the AFL's definition of labour in this respect, and the government's were vastly different. The AFL considered the term labour to mean organized labour only, whereas the government considered it included anyone from a labouring or working background. Thus the government defended its appointments as being labour appointments when the AFL regarded them with a much more jaundiced eye. But as the Board was almost entirely responsible for all labour matters it was in essence a Department of Labour and was not staffed much more differently than an official Department of Labour would have been. In fact in later years when there was a Department of Labour, the Deputy Minister and the Chairman of the Board of Industrial Relations were one and the same person. Manning defended the amalgamation of labour and industry into the same department.

> One reason for this was the Government's desire to get away from the idea that labour and management were natural adversaries. We believed that the best interests of both were served by a cooperative approach to labour-management problems as the interests of labour required a healthy and expanding industrial sector and the interests of management would be best served by good labour relations. We were trying to encourage the idea that the two groups should work together to the mutual advantage of both. (174)

Relationships between the AFL and the Alberta government were fairly cordial, with the occasional blowup. In the period between 1935 and 1947 there were no real major differences of opinion. There was a continual pressure on the government from organized labour to pass various pieces of legislation, to boost protection in some areas and to increase minimum wages and other statutory benefits. But on the whole, the AFL was a fairly conservative organization for the times and reluctant to criticize the government to any great extent. The Premier, Mr. Aberhart, was extremely touchy on the question of criticism whether from labour or any other organization. His reactions to criticism were often totally out of proportion. Since the government had taken office, the AFL had presented a legislative memo to the government at the beginning of the year in order that, as Aberhart himself suggested, the government could consider their requests and points of view prior to the main legislative session which was always held in March

and April. In most years, that memo contained words of praise and appreciation for the government. (175) In 1939, however, the AFL felt itself slighted by the refusal of Cabinet to promise some definite action on the legislative memo of that year and sent out circulars to various member organizations complaining that they had not received a fair hearing at the annual meeting.

Aberhart reacted strongly to this allegation and in a letter sent to the Secretary of the Cambrian Local of the United Mine Workers, he lashed out at the leadership of the AFL, particularly Carl Berg and Fred White, whom he characterized as "bitter political opponents of our policies". (176) Aberhart complained that the AFL was being turned into a political organization rather than confining themselves to representing the interests of labour as they were expected to do. White, the AFL's president, was indeed a sitting member of the legislature for the CCF and a Calgary Labour alderman. Aberhart was of the opinion that the AFL's opposition to the government as displayed in the circular came not from any legitimate grievance, or even from ideological differences, but a purely partisan political point of view.

> Ever since this government came into office it has given the greatest consideration to the resolutions of your Federation ... [the AFL is] sending out circular letters to try to stir up members of the Federation in a political way. (177)

Aberhart noted that the government was not obligated to sit down and discuss legislation with other political parties and if the AFL was becoming a political party, then the government simply would refuse to meet with them any more. Aberhart's frustration is somewhat understandable given that the AFL would, in these meetings act with the utmost courtesy, and only later declare publicly that they had not been received as they felt they were entitled.

Political opposition to the government was not general from labour ranks notwithstanding statements to the contrary. Public expressions of dislike of the government came from political spokesmen, not all labour leaders. The remark of William Irvine that the Social Credit was "detrimental to the lives of the people in every way" (178) was one that came from a staunch political opponent speaking out of his ideological concern for the shape of the government as a whole. Alberta could not be faulted on its legislation when looked at in light of what was happening elsewhere. It could not be said that Alberta treated its labour more harshly or with less respect that anywhere else, in fact in many cases the opposite was true. The Social Credit received the majority of labour votes, by common consensus in the 1935 election and it is likely that

they retained that allegiance much to the despair of the CCF and Labour parties. By 1971, a full 25% of union members were still voting for the Social Credit in not appreciably smaller number than in the population as a whole. (179)

Manning has stated that the leadership of the labour movement often held viewpoints at variance with that of the rank and file. Many of the leaders had socialist or even communist leanings and disagreed with the government's commitment to free enterprise. As a result, the government sometimes appealed to ordinary workers rather than to their leaders to obtain opinion on the best direction for the government in labour matters. (180)

Throughout the thirties, the government had shown itself to be receptive to new ideas on labour legislation and had moved as swiftly as any other province to enact protective legislation and provide mechanisms for collective bargaining. The complaints of labour leaders were mainly that the government could and should do more. Perhaps it had been the radical flavour of the newly elected government in 1935 that had raised hopes that a more socialistic style of legislation could be introduced. If that had been the hope, it was dashed now for the government in 1939 was showing clearly that it intended to stay with a free enterprise system. Frustrations could also have arisen as a result of the failure of numerous employers to accept the new legislation with the corresponding obligations placed on them. The government's emphasis on conciliation and on trying to bring recalcitrant employers around could easily be misinterpreted as reluctance to enforce their own laws and paying mere lip service to them. Much of the AFL's occasional anger at the government can only be interpreted in this light. In four years they had gone from having next to nothing in terms of labour legislation to having a complete body of statutes providing extensive protection for nearly all workers in Alberta. The government had responded to what it felt were the legitimate and pressing needs of labour. Labour's job now was to entrench itself and to improve those protections.

CHAPTER FOUR

THE WAR YEARS

Throughout the 1930's, the Alberta government had been left basically on its own in the development of labour legislation. Since 1926, the provinces had been recognized as the major players in the labour field and they had done most of the legislating. Alberta's Social Credit government had had four years to create a complete system of labour relations, and perhaps as importantly, four years to gain an experience and confidence in labour matters. While they had little or no claim to be experts in 1935, Manning and his Department of Trade and Industry were seasoned veterans by 1939. Increasingly through the 1940's, they would come to rely upon their own skills and experience as much as on organized representatives of labour and management.

With the coming of the Second World War, the Dominion government would move back into the labour relations field. The Social Credit government of 1935 would have been overwhelmed by the new Dominion presence and would probably have been quite happy to have turned over total jurisdiction in labour matters to the Dominion. The Social Credit government after four years of experience was sure enough of itself to consider itself an equal partner, and continued to chart an independent course throughout the war. The Government was re-elected in 1940, albeit with a reduced majority, but with sufficient strength to consider itself safe in office. Labour continued to vote Social Credit although the $25.00 monthly was a long forgotten dream. Action on both the legislative and administrative fronts had kept the working-class vote loyal. And throughout the war, labour became more and not less satisfied with the government.

Even where the Dominion did legislate, for Alberta workers it was still their own administrative machinery to which they looked first and their own government from which they expected results and answers. Few Alberta workers ever came under Dominion legislation, as Alberta, ever the odd man out, refused to extend any Dominion legislation to matters under provincial jurisdiction. Only those industries brought under the War Measures Act were affected. During the War, the Alberta government confidently maintained its own course.

The outbreak of war in September, 1939, had little immediate effect on labour in Alberta. Although the Dominion government had immediately declared the War Measures Act in effect (1), the purpose of this declaration was to avoid war profiteering, hoarding and inflation. Effects on labour were more consequential than anything else. All major labour organizations came out in support of the war effort and promised the full and total

co-operation of their membership with the government in the prosecution of the war. (2) But it was early days and this was the period of the so-called "Phony War" when events in Europe had reached an uneasy impasse prior to the German invasion of the Low Countries and France. Domestically, Canada was in a better situation than it had been for a long time. Unemployment was falling, prices were recovering, there was a more buoyant economic outlook. The true dreadful reality of war was not yet sinking in. Most importantly, the Depression was over.

By Order in Council, the Industrial Disputes Investigation Act was extended to war industries in November, 1939. (3) Initially this had little effect in Alberta as it covered defence projects and industries supplying munitions and war supplies. Little of this industry was located in Alberta. The coal miners were already under the authority of the IDI Act and they were the major source of labour unrest in the province and the only real group perceived at that time to be crucial to the successful prosecution of the war. By the spring of 1940, industrial unrest in other parts of Canada was reaching a proportion that alarmed the government into some tentative steps to reduce worker complaints. It is quite likely that it was not the war itself that brought this on, but rather worker reaction to employer intransigence during the Depression years and to legislative changes in the United States. Stuart Jamieson has argued that it reflected a delayed response to events in the U.S. (4) Whereas U.S. industrial unrest had peaked in 1937, the Canadian peak was not reached until 1943. (5) Canadian workers were becoming empowered by legislative changes in Canada and a new generation of workers had been radicalized by the Depression experience. With the granting of legal status to trade unions and the new legislation enabling collective bargaining, came an increase in strike activity rather than a decrease reflecting, as many commentators have argued, the hostile attitude of Canadian employers and the weakness of Canadian legislation as opposed to American. The experience of American unions was imported directly into Canada in the form of the Internationals and their organizers and Canadian workers began demanding what they perceived to be their rights.

Existing pre-war legislation simply was not doing an effective job of satisfying the demands of an increasingly militant labour movement. That they were increasingly militant can be seen from a speech of the Federal Deputy Minister of Labour to the Canadian Manufacturers' Association in July of 1941. One senses the Deputy's frustration when he says

> ... there is many a time, I can assure you, when I feel that certain subversive elements should be whipped with scorpions. A delegation in

> which the eldest member is twenty-seven years of age will tell you how society and the Department of Labour should deal with labour. This group of insurgent young people have got into these new and expanded industries of ours. Inexperienced in trade unionism, they feel their sense of power, and they want to rectify things drastically. How to deal with this group is a major problem. (6)

On the other hand, he also warned delegates that "the handwriting is on the wall" and management had better not wait for labour to rise up but to pay attention and submit to reasonable requests now. (7)

But the majority of labour leaders had, from the beginning of the war, wanted to do their part to ensure that industrial production went smoothly. It was the continuing refusal of management and industry leaders to recognize unions and to bargain with them that led to the majority of labour difficulties. Spurred on by the success of the union movement in the United States, labour leaders and membership were looking forward to an expansion of their influence and were finding themselves stymied. The Dominion govenment reacted with measures that were almost worse than doing nothing at all. According to Jamieson, the government's performance was one of

> "weakness, indecision and absence of planning and foresight. ... It was a reflection of a basic conservatism and obsolescence in thinking, an apparent inability or unwillingness on the part of employers and governments alike to assess and make adequate provisions for the industrial relations sector." (8)

The result was the highest level of labour unrest in Canada since the turn of the century with more days lost through strikes and walkouts than at any previous time, beating out even 1919 and the massive general strikes of that year. (9)

Wartime labour policy had first been laid out in detail in P.C. 2685, June 19, 1940, (10) but that Order in Council was merely a declaration of the principles which ought to apply to the regulation of labour relations. The order consisted mainly of recommendations which should govern industrial relations but there was no compulsion. Employees should be free to organize, to bargain collectively, and changes in conditions of work ought to be made on mutual agreement for the term of the war only. The government offered their conciliation services for the settlement of disputes or the provisions of the Industrial Disputes Investigation Act for disputes falling under that act's jurisdiction. In 1941, the IDI Act was extended to all industries where the Minister felt that the production was essential to the war effort. (11)

No employer was however required to abide by these principles laid down by the Dominion and many of them didn't. Many strikes and walkouts continued over the issue

of union recognition or failure by the employer to bargain with the selected representatives of the employees. Mining strikes became more numerous and lengthy as the union began regaining much of the ground it had lost during the Depression. In 1943, 9000 coal workers went on an illegal strike throughout District 18 in B.C. and Alberta, refusing to follow the procedures laid down by the IDI Act and refusing to appear before the National War Labour Board set up to administer wage disputes. (12) The amount of hostility against the government boards was at this time substantial and they were not perceived by the unions as being reasonable and open to union complaints. (13)

Much of the blame must go to the failure of legislation to take a tough stand on the issues that were crucial to the unions. Statements of policy and principles could not substitute for real muscle in enforcing those policies. Rather than provide for an enforcement mechanism to compel union recognition and bargaining, the government chose to go after the other end of the problem and they began in 1941 to tighten restrictions on the right to strike. P.C. 7307, as amended, required the Minister of Labour to be informed in advance of all strikes in war industries so that he at his discretion might order a vote to be taken of the affected workers. Any strike contrary to the regulations was to be considered illegal and employees would be liable to fines of up to $500.00 or twelve months imprisonment. (14) According to the Labour Gazette, this was "To eliminate the possibility of strikes being called without all the workers concerned having the opportunity of considering the matter fully". (15) Many unionists saw the order as only another way in which an employer could avoid having to deal with the union as the representative of the employees. Rather than reducing the number of strikes in war industries it only encouraged action outside the legislation and encouraged wildcat strikes and numerous one day walkouts. (16)

One of the most serious problems was the length of time it took to have matters dealt with under the IDI Act and the government made some movement in that direction allowing for conciliation to be conducted by one-man boards at a much swifter pace. But the problem still remained because it was not the tinkering with the existing system that was needed but an entire change in orientation towards employer-employee relations. Canadian policy had ever been and remained in the early years of the war to delay industrial action by compulsory cooling off periods, strike votes, and arbitration. During the war this apparently had the effect of fanning the flames of industrial unrest even more. In this context, the action by the United Mine Workers of District 18 can be seen as the only reasonable thing they could do. The government appeared determined to continue to impose restraints on the way they were permitted to enforce their claims.

Many authors have pointed out that it seems strange that with the experience of World War One behind them and the example of the American wartime policies staring them (probably literally) in the face, the Canadian government did not move to a compulsory system of enforcement before 1944. (17) The Americans had acted swiftly in 1941 to get concessions from both labour and management in order to avoid damaging strikes during the war (18) while the Canadians still bumbled about with a system which was rapidly being regarded with scorn. Both Dominion and Provincial governments had shyed away from incorporating all those elements of the Wagner Act into their own legislation as compulsory matters. They were slowly picking up the phraseology and the principles but showed a curious reluctance to go beyond that. Labour leaders were fed up with principles that were unenforceable and management displayed an almost astonishing complacency that things were fine the way they were. Perhaps there was an attitude on the part of management that they could tough it out and continue to resist but the pressure was becoming irresistible.

Alberta was perhaps a bastion of peace during this period save only for the coal miners who were not the responsibility of the Provincial Government anyway. The large industrial strikes that occurred in steel, textiles, manufacturing and the automotive industry were all taking place elsewhere. Alberta workers were working again and for the most part happy. The largest problems revolved around wartime orders dealing with the supply of labour, orders which froze people in certain jobs, preventing the enticement of workers away from their pre-war occupations into others. Alberta had a high enlistment rate and many young men were now overseas reducing the pool of available labour to an all-time low. (19) Workers to help at harvest time were hard to find and women and girls were out in the fields baling hay and bringing in the crops. Japanese internees manned the formerly difficult sugar beet fields and solved that little labour problem quite nicely. Local employers worried about how to keep their low paid staff away from the American bases and from the high paying Alaska Highway jobs. Farmers in Alberta, getting good crops for the first time in years and prices to match, were in a frenzy as to how to get those crops off the fields. A Labour-Management Conference in 1942 pointed to this as one of the most serious labour problem in Alberta at the time. (20)

The pressure to amend Alberta labour legislation continued through the war with the AFL and the Canadian Manufacturers' Association continuing to submit their annual legislative briefs. In February of 1943, the AFL made representations asking for the ICA Act to be amended to make collective bargaining compulsory. (21) This had been a request for some years but with major amendments to the ICA Act in the works, there

was some hope that this year their wish would be granted. The position of the AFL was basically this. Employers had managed for many years to make the question of union recognition and bargaining matters for arbitration as disputes between employers and their employees. For the unions, recognition and bargaining were not arbitrable matters. They were not disputes but a question of basic rights. The legislation ought to recognize this. The legislation prior to 1944 had provided a loophole in allowing employers to claim that they had no duty to bargain with an employee group if they did not recognize it as representative of their employees. (22) There was no effective way to require recognition.

Employers were also trying other creative ways of avoiding negotiating. The Riverside Iron Works took the position that they could negotiate by correspondence rather than in face to face meetings. (23) The union was upset by this and appealed to the Department of Trade and Industry who passed the concern on to the Attorney-General's Department. The view of the A-G was that the present legislation did not forbid negotiation by correspondence and they could not see anything wrong with it. King responded by saying that perhaps the matter was not all that important, but it was a "source of friction" and was defeating "the very spirit and purpose of the Act itself". He thought it would be worth while to look into the possibility of amending the Act so as to remove the possibility of this sort of negotiation. (24) In the event, no such amendment was made.

The AFL also requested unfair labour practices to be outlawed with effective penalties provided for violations. The examples provided by the AFL were discrimination against union members and the practice of company unions. The ICA Act already prohibited discrimination against union members for membership or union activity and provided for a fine of $500.00. (25) Much of what later came to be known as "unfair labour practices" was already prohibited. Perhaps the AFL felt that the provisions lacked sufficient muscle or that the enforcement mechanisms were not working as well as they could. Employers were also learning how to word warnings to their employees so as not to involve themselves in outright violations of the existing law. One such memo was turned over to the Attorney-General's Department for an opinion.

> ... contents of this circular are quite contrary to the spirit and intention of the above Act, yet I think the company has been careful to keep themselves beyond the scope of the penal sections of the Criminal Code and the Provincial Act. ... I think it is quite improper .... (26)

Yet the circular, which apparently warned employees that unionization would result in the closure of the plant and relocation, was held not to go quite far enough to be illegal.

The AFL might also have had in mind cases where employees were fired for providing information to other employees concerning the legislation which governed their employment. One such case ended up in court when the discharged employee sued for wrongful dismissal. (27) He had been advising his fellow workers of their right not to work the Thankgiving Day holiday. Such behaviour, according to MacDonald, D.C.J., could not be held to be misconduct justifying dismissal.

> I do not think that telling workmen that they must obey the laws of this country ... can be classified as misconduct. (28)

The point about company unions was more timely. Alberta allowed for employee associations to conduct bargaining on behalf of employees and there was no prohibition on employer interference with the formation or administration of such organizations. (29) Interference with a trade union was not made an unfair labour practice until 1947 but the employee organizations were still left untouched. (30) The AFL and many unionists feared that the company union would become a powerful weapon in the hands of the employers allowing a company dominated union to give the impression of being a legitimate employee representative without any of the true independence required.

Imperial Oil was at the same time pressing for acceptance of the company union. It was their submission that a more amicable relationship would develop with what they called the "co-operative approach" to labour relations. (31) They suggested employer-employee joint councils to deal with negotiations and ongoing administration of any agreement. What Imperial Oil feared was that they would not be permitted to make arrangement with their employees without the intervention of government, forcing them to deal only with government certified organizations. They wished to have the freedom to negotiate separately with non-union employees and feared that laws were about to be passed which would prevent this overlap of jurisdiction.

While the submissions of Imperial Oil might well have the appearance of a divide-and-conquer strategy, there is a clear philosophy behind them to which Manning and the Social Credit would have been sympathetic. The idea is that the interests of labour and management are one and what is good for one should be good for all. Manning always rejected the idea that labour and management were natural adversaries and was bound to regard the idea of joint councils with some interest. Alberta itself had annual Labour Management conferences that worked well in terms of allowing the government a more balanced view of what both sides wanted. A plant council would bring employer and employees together on a daily basis allowing them a clearer look at the problems faced by both. It was an idea which in a somewhat different form was to operate well in

post-war Europe. (32)

But it was an anathema to North American unionists. In this, Alberta's unionists showed how far they had come from their European brothers and sisters and how far into the American ideological camp they now were. The "co-operative" approach to labour relations meant only one thing to the AFL and to subsequent Alberta unions, it meant being co-opted by management. The only way in which a unionist could maintain his proper role as representative of the employees was to resist the blandishments of management to join the team and become, in effect, just like them.

Another aspect of the company union which would have been more appealing to the Social Credit was the necessary element of local control. A plant council would be run by those employees who were actually working right there in the plant and who were members of the local community. Alberta legislation had continually refused to grant special recognition to unions with national or international affiliations and had always permitted small local groups to form their own union organizations. Rather than being a strategy to weaken the unions by removing the financial and other backing which a large organization could provide, it is far more likely that it showed the predeliction for local organization favoured by the government as an overall strategy. Besides, their personal experience with national or international labour leaders had always been that these men had never been willing to acknowledge the government's good will, being "political" enemies rather than having genuine policy disagreements. By contrast, their experience with the rank and file and with more local leaders had been in the main, positive.

None the less, Manning responded with caution to Imperial Oil's statement, particularly as Imperial Oil advocated an approach which required the government to keep their hands off internal company matters. Such a laissez-faire approach was not what could have been accepted by the Alberta government with too much experience of employer intransigence already. Yet Manning did acknowledge his agreement with the central point of the submission.

> As you state, the thought contained in this brief is that employers and employees should have the right to freely discuss between themselves labour and other problems without interference by legislation. While it is true that the labour legislation of Alberta does intervene, to a certain extent and in certain circumstances, between employers and employees, nevertheless it has been based, in large part, on the recognition of the value of close contact between employers and employees, and the benefits accruing to both parties through the establishment of mutual confidence and good will. (33)

What Manning could not do was give up the government's prerogative to oversee the establishment of this confidence and goodwill.

Also in 1943, the government had to face yet another well run campaign by the CMA against proposed legislation. (34) The CMA was still not abandoning its relentless effort against all labour legislation. It is interesting to speculate whether the CMA might not have been more successful, certainly in Alberta, if it had at this time abandoned its singular hostile attitude and proposed legislation which could have been viewed more sympathetically by the Social Credit. Imperial Oil at any rate had made some effort to come up with alternate plans but the CMA confined itself in the main to criticism of everything. Their brief to the Alberta government in 1943 claimed that throughout the course of the war no amendments to any labour legislation should be enacted. Victory in the war was to be the first and only consideration. It cannot be forgotten that the CMA was clothing itself in patriotism this time around but this was a position that they had consistently held since the 1930's. However, they were beginning to take slightly different approaches to their attacks on other matters. With respect to collective bargaining the line now became that to require employers to meet with union representatives to conduct bargaining was to exclude all those other employees who were not union members and thus violate their rights. The CMA claimed that the desires of the majority would not be represented in such discussions. They furthermore objected to the duty to bargain being placed on the employers only. There should be a requirement on the part of the employees to meet and bargain as well, and suitable punishment for their failure. The ICA Act of Alberta was, they maintained, class legislation limited to a small section of labour. They warned

> No nation can prosper permanently by acceding to the demands of pressure groups set up to make demands without reference to the rights of other groups. (35)

Not wishing to leave out those other groups, the CMA then proceeded to the attack on the proposed new Labour Welfare Act. This act was in most respects a mere re-enactment of several sections of the Factories Act and as such contained little that was new. The CMA however attacked it as unnecessary and too extensive an interference in employers' rights. As the federal government was also now imposing labour standards on employers there was too much bureaucracy and too many different boards and acts to deal with. The Alberta government, they said, seemed to be under the impression that employers were indifferent to employee welfare and so must be rigidly regulated. This was not true. Labour, they claimed could take care of itself and management resented being told what to do "at the whim of an officious inspector". (36) Particularly offensive was a power being given to the Board of Industrial Relations to order general investigations into labour welfare and issue orders to correct work conditions. The CMA

also objected to the increased powers of inspectors to enter and inspect premises. Certain specific matters such as the requiring of safety garments were thought unnecessary as were requirements for first aid attendants, locker space for storage of employees' personal possessions, and prohibitions on the employment of pregnant workers on night shifts or within two weeks of giving birth. The strongest objection was to the newly introduced requirement of holiday pay which they saw as too expensive and "pandering to irresonsible requests by labour agitators". (37)

It is highly unlikely that Manning was pleased to have his Department of Trade and Industry accused of pandering to anyone. The Act went through as planned with no deletions.

Between the criticisms of the AFL and the CMA the government stood. It seems to have been the case that extremist reaction whether from labour or management was simply shrugged off. The picture that emerges from the various records of the time is that of a government confident that Albertans understood and appreciated what they were trying to accomplish and that the maximum amount of protection was being afforded to those who needed it. Manning was quick to defend his department from criticism even after he became Premier and continued as Minister of Trade and Industry. In response to a Calgary woman who criticized the settlement of a milk dispute and the Inspector who had negotiated the settlement, Manning wrote

> The labour legislation enacted by this Government, and its enforcement, has altogether been in the best interests of labour throughout the Province. Indeed, on many occasions we have been congratulated on our labour legislation and the manner of its administration as being the foremost in this respect in all of Canada. (38)

Manning then sent a letter of congratulations to the Inspector in question, Mr. Ken Pugh, who was later to become Deputy Minister of Labour and Chairman of the Board of Industrial Relations. (39)

One serious labour problem in these years involved what was at the time the largest manufacturing industry in Alberta, meatpacking. The disputes at the meatpacking plants did not begin during the war, they had been flaring up for years previously and they would continue through into the post-war years. Their history is an interesting commentary on labour relations in Alberta, changing government and union relations and the confusion of jurisdictions during the war.

Work in a packing plant is hard, dirty and often nauseating. Workers at packing plants were not necessarily required to have any skills before going onto the killing floor and were among the lowest paid industrial workers for many years. Packing plants had

for the times a high percentage of female workers. The combination of unskilled labour and nasty working conditions led to a labour situation probably unparallelled in Alberta for thanklessness. Packing plants resisted unionization strongly from the first hints of its possibility. (40) It was the influence of the CIO and their Canadian affiliate the All-Canadian Congress of Labour that led to the first organizing campaigns for packinghouse workers. The immediate aims were an improvement in working conditions, better pay and some measure of job security. Packinghouse workers at the time could be called into work, spend the day waiting to be called, and then go home never having worked a minute and so not being entitled to pay. Failure to report meant being fired even if the worker was called in on Christmas Day.

The first strike of packinghouse workers in Alberta took place in 1937 and had its origins late in 1936 when the Canadian Victuallers and Caterers Union was attempting to organize Union Packing in Calgary. (41) The union, by five of its members, applied for a conciliation board under the Labour Disputes Act. On February 1st, 1937, the company, having refused to co-operate with the conciliation board, fired the five men who had requested it. The response of the workers was to engage in a sitdown strike on February 3rd , occupying the plant and asking for union recognition and a 15% wage increase. The strike was called off when management agreed to rehire the five, not discipline the others and to return to conciliation. In fact on February 8th, 48 employees were charged with watching and besetting and detaining possession of premises. Many strikers were not rehired and the five original workers who had requested conciliation lost their jobs permanently. The union protested, but somewhat ineffectually. No action was taken by the government and the dispute ended there.

In Edmonton, workers were more insistent and employees of three plants engaged in sitdown strikes in April of the same year. At Burns, Swifts and Gainers, workers occupied the plants asking again for union recognition and pay increases. While these strikes were also ineffective in getting the workers the concessions they wanted, they did have the effect of alarming management sufficiently to take some steps to control the growing threat from a CIO inspired union. (42) Now it was at this time that CIO-AFL pressures in the United States were reaching a very heavy level and were being reflected in inter-union conflicts in Canada. The Victuallers, as affiliates of the CIO were considered dangerous by the Alberta Federation of Labour, which was itself an affiliate of the Trades and Labour Congress and thus of the American Federation of Labour. A local directly chartered by the TLC, Local 78, was brought in with Carl Berg as its head to organize packinghouse workers and expell the Victuallers. The intent would appear to

have been to provide for a more conciliatory union. That every Edmonton packing plant was organized by Local 78 within a one year period despite management's previously successful total refusal to recognize a union speaks loudly to the possibility of a company dominated union. Opponents of Local 78 believed it to be exactly that, and Carl Berg nothing more than a compliant company spokeman. (43) Many companies and industries had previously attempted to circumvent organizing attempts by unions by setting up plant councils or committees, but the company-dominated union was a method of providing the shell of a union with little of its real substance. As there was at this time no statutory prohibition on employer domination of an employee organization, the company union continued to be a problem until well into the 1950s.

The packing plants remained quiescent during the early years of the war as Local 78 obviously succeeded in producing some sort of peace. The only serious problem was a continued shortage of workers which became acute in 1943, threatening the fulfilling of Canada's meat quotas. The National Selective service became concerned about this shortage and the Labour Gazette reported that "Employment in meat packing had not proved very attractive to men seeking work". (44) The reasons were not hard to see, but the efforts made by the NSS never addressed the crucial problems of working conditions or labour relations. In 1943, Local 78 received its first challenge. The All-Canadian Congress of Labour served notice that it was back when their affiliate the United Packinghouse Workers of America organized the Burns plant in Edmonton. By early 1944, there was internicine struggle in Edmonton with Local 78 and the UPWA fighting for control of Canada Packers. (45) The government looked on nervously as the UPWA received the most votes in a January vote but not a majority of the total employees. With both sides claiming victory, management refused to deal with either of them. Apparently, it was the Board of Industrial Relations which had instructed them that recognition of either rival union was not permitted. (46) Fearing a strike that could shut down production, the Dominion Government moved in. By Order in Council, meatpacking was held to be an industry essential for the war effort. (47) On March 6, the UPWA requested a Board of Conciliation under the IDI Act. They sought recognition as the official bargaining agent. On March 11, Mr. F.E. Harrison, Western Representative of the Department of Labour, was authorized as an Industrial Disputes Inquiry Commissioner to investigate, and a vote on union representation was ordered for April 14th. All parties agreed to the taking of a vote under the supervison of the Alberta Board of Industrial Relations, but the vote turned out to be inconclusive. (48)

On April 24th, a Board of Conciliation and Investigation was established on the

recomendation of Mr. Harrison. The Board was made up of Mr. H.H. Parlee, Mr. Lawrence Cairns, K.C. and Rev. C.J. Foran, all of Edmonton. (49) During the hearings which took place in June, representatives of the UPWA declared themselves willing to have another vote taken as long as it was quickly and without electioneering and even conceded that the decision be that of the majority of workers affected and not merely of those voting although they would prefer the latter. Local 78 declined that offer, although it would appear that management was amenable to a vote "in the near future" and, by implication, sometime prior to October 1, when production would begin to speed up. The Board in a report brought down on July 26, decided that another vote should indeed be taken but not until January of 1945 as the company should not "be embarrassed by more than one vote a year." The Board was further of the opinion that until another vote was taken Local 78 remained the bargaining agent and the previously negotiated agreement between them and the company remained in effect. (50)

The minority report of Rev. Foran, the employees' representative, criticized Local 78 for its intransigence. While he conceded that Local 78 had the legal right to stand upon its rights and its position as recognized bargaining agent, it was offensive to the principles of equity that a union should continue to represent the employees when a majority were opposed to them. The tactics of Local 78 were, he said, unyielding, and defeated the purpose for which the Board was set up, namely the swift resolution of the dispute. He felt that the decison of the majority of the Board was an indirect endorsation of those tactics. He warned that setting a vote so far into the future would have as its only result the continuation of industrial strife at the plant, thus causing substantially more problems for the company than numerous votes within a short period. He recomended a vote within one to three weeks. (51)

In the event the majority report was, of course, accepted and Rev. Foran's warning came true. UPWA petitioned anew for a vote and in support of their request began a slowdown strike in August. On September 8, the Alberta government once again stepped in to assert its jurisdiction, the matter having been handed back to them by the Dominion, and ordered a new vote. This vote was to take place under the provisions of the Industrial Conciliation and Arbitration Act as amended. In a press release at that time, Mr. Manning stated that the Department of Trade and Industry and the Attorney-General were ready "to serve in every possible way to restore harmony". (52) A vote by secret ballot, held in two parts to accomodate the two shifts would occur as soon as possible. The slowdown, he said, must cease immediately so as to put any resolution beyond question as being done totally in accordance with the Act. He urged parties to follow

correct procedure in order to ensure that no settlement would be open to challenge. The tone of the press release seems to indicate that Manning was of the opinion that the Dominion had, by stepping in, made matters worse, and as far as he was concerned, now that the matter was back in provincial hands, some progress could be made. No mention was made of the fact that it was the Alberta Board of Industrial Relations that had advised the company not to recognize either union, and Alberta legislation that had led to a situation where a union supported by a minority of employees was allowed to continue in place.

The UPWA won the vote in September and another held in October and by this time they were representing not only Canada Packers, but Swift as well. They had already won the right to represent Burns back in 1943. Now, however, the union's demands were different. They wanted a master agreement to cover the three companies together, and not just in Edmonton, but in the whole of Canada. (53) Negotiations to that end were making little progress and in order to avert a possible nation-wide walkout, the Minister of Justice appointed Mr. Justice S.E. Richards under P.C. 4020 to enquire into the dispute. He brought down his report quickly, on November 3. (54) In that report all parties agreed to certain standard clauses to be inserted in all collective agreements and further, to contract expiry dates relatively close together. Management further assured the union of their intention to bargain in good faith and denied any intention of attempting to escape from their obligations towards the union. The union for its part declared that it was their policy to promote co-operation and maintain production. The conference presided over by Mr. Justice Richards would thus seem to have ended on a note of co-operation and good will.

Such co-operation and goodwill was not to last for long. In 1945, the entire affair began again with wildcat strikes at Canada Packers, among others. The UPWA at Canada Packers threatened a strike over the issue of equal pay for women workers and that issue went to the Wartime Labour Board. (55) Continuing unrest at the meat packing plants finally got the Dominion Government involved again and on October 12, 1945, the Minister of Labour rose in the House to announce that under the provisions of P.C. 6481, numerous plants in Canada, including the Burns plant in Edmonton, were to be taken under Federal control. (56) It was necessary to avert strike action planned by the unions. In response to a question by M.J. Coldwell, the Minister, Humphrey Mitchell, acknowledged that the action was being taken before the provinces concerned could be consulted or acquiecse. Agreements would be reached at the various plants under P.C. 1003.

As soon as P.C. 1003 expired in 1947, the UPWA again took to the picket line and this time they wanted a nationwide master agreement, and not merely an agreement to incorporate certain common clauses. (57) The next year, the Alberta government made provision in the Alberta Labour Act for the possible implementation of the Industrial Disputes Investigation Act to disputes in the meatpacking industry, thus including them along with the coal miners in the "unmanageable" category. (58)

The saga of the meatpackers illustrates a number of interesting points about wartime labour relations. Firstly, there was a gross deficiency in both Dominion and Provincial legislation. Neither, prior to the passage of P.C. 1003, was really competent to deal with new realities in the labour movement, and neither was able to overcome entrenched resistance on the part of management to growing union influence. There was a continuation of old ways when old ways clearly would not do and a clinging to beliefs concerning employer prerogatives that had become utterly unacceptable to a more radical labour movement. The Dominion continued to respond to employer refusal to bargain with unions by weak suggestions that the union simply take the hint that they weren't wanted and form employee committees instead thus more or less endorsing management's right to freedom to contract with whomever they chose, or not as the case might be. A good example of this approach occurred during a gold miners' strike in Kirkland Lake, Ontario, in 1941-42. (59) The mining companies refused to recognize the union, the International Union of Mine, Mill and Smelter Workers, and after receiving an application for a Board of Conciliation, the Industrial Disputes Inquiry Commission recommended the union sign individual contracts with each mine through employee committees. After a strike vote, and a report by a Board of Conciliation that recommended union negotiation, the companies still refused. After yet another strike vote and negotiations, the strike commenced on November 18, 1941. It was a violent strike with numerous arrests and injuries and was finally terminated in February, 1942, apparently through the personal intervention of the Minister of Labour. But the union still achieved no recognition and the government never forced management to deal with them. The dispute had lasted nearly a year and the union was in the same position as when the entire thing had started. Management had dug in its heels and had waited them out.

In Alberta, matters were not much different. The Industrial Conciliation and Arbitration Act did not require employers to recognize either unions or employee associations. The Act merely freed employees to belong to such groups and to conduct collective bargaining through them. It was an offence for employers to refuse to bargain, but where the employer claimed that a group was not a proper representative of the

majority of employees affected, there was little that the union could do. As has been seen by the debacle at Canada Packers, the Board of Industrial Relations could and did advise employers not to recognize anyone when the matter was in doubt. And while the question of who was the duly elected representative of the employees was interpreted as a dispute under the Act which could go to arbitration, an arbitration award could be rejected by either party for no reason.

A second matter highlighted by the meatpacking dispute was inter-union rivalry and the inability of either government to get a handle on it. Inter-union rivalry had worked in management's favour in more than one dispute prior to the Canada Packers one and the continuing jurisdictional fights between rival unions would not stop there. But there was no adequate provision in the law to deal with these quarrels. The only result of numerous votes was to split union support and allow management to get away with no union at all. Even if one were to assume that there were important principles at stake for the unions involved, the over-riding principle ought to have been union protection for the workers involved, that crucial recognition and first agreement, and not squabbles over jurisdiction that had all the appearance of petty empire building. For too long, governments abandoned the workers to these disputes and regarded them as internal union matters and not the responsibility of the government.

The meatpackers dispute also showed the interminable length of the negotiating process under the relevant legislation of the time. What began at Canada Packers in 1943 was not to be resolved until 1945 (if what happened then can be called a resolution), and even with P.C. 1003 coming into effect with respect to the dispute in 1944, the process of negotiation, arbitration, votes and more votes, reports and even Royal Commissions was enough to try the patience of a saint let alone the workers. It is small wonder that the workers tried to hurry the process along by wildcat strikes, walkouts and plant occupations. It was not helpful either that this particular dispute swung between the Dominion and Provincial governments, each asserting authority at different points and beginning from scratch every time. Alberta never opted into P.C. 1003 although provision was made for its possible implementation and so whenever matters threatened to get out of hand, the Dominion would legislate the meatpackers under Dominion jurisdiction by Order in Council in council. When the crisis passed, the Province took over again with new negotiators, new rules, new legislation. But the Dominion did hold some overall authority in that agreements involving wages would have to be submitted to the National War Labour Board which maintained control over wages and wage settlements throughout the entire war in all industries not only those to which Dominion

legislation applied. Thus the meatpackers would be required to wage one battle on provincial grounds and yet another on Dominion grounds when it came to negotiating agreements.

Finally the Dominion government chose to act. Late in 1943, Provincial Labour Ministers met in Ottawa to provide input to the Dominion on proposed new labour legislation. (60) It was now clear that some drastic action was called for and this was going to be it. The Dominion was proposing a labour code much more extensive than any which had previously existed based on American principles as enunciated in the Wagner Act. There were to be extensive regulations dealing with such matters as the selection of bargaining agents, requirements to bargain in good faith, compulsory arbitration, grievance settlement mechanisms and defined unfair labour practices. There was a three day conference in November and

> Subsequently, ... a draft of the proposed Labour Relations Regulations was sent out to the provinces, and the national trade union organizations and the major employers' organizations with a request for a full expression of the views and suggestions of such parties in reference to the same. (61)

Mr. Manning was at this time Chairman for the Meeting of Labour Ministers and Officials for Alberta, Saskatchewan and Manitoba. In that capacity, he wrote to the Dominion Minister, Humphrey Mitchell with some of his suggestions and criticisms of the proposed labour code. (62) He wanted to see the definition of employee amended to include a committee of employees set up for the purpose of collective bargaining so as to include ad hoc collective bargaining groups. Such groups were not to be included although P.C. 1003 does not specifically exclude them either. Manning objected to trade union officers or representatives being allowed to act as bargaining agents if they were not elected by the membership. The Dominion apparently disagreed as such bargaining representatives were permitted to be appointed and not necessarily elected. Also the original draft appears to have read "selected or appointed" instead of the "elected or appointed" that the eventual order contained. (63) Undoubtedly, the failure to mention election at all would have been more irritating to Manning although it is not inconceivable that this was a typographical error. But Manning also wanted the order to contain provisions governing the election of union officers and representatives but the Dominion declined to do this. Alberta never did it either, perhaps feeling in the end that it was a matter of internal union democracy and not an area for the government to get itself involved in.

P.C. 1003 was to make allowances for separate craft unit organization within a

larger group of employees and while Manning approved of this in principle, he felt that the wording of the draft proposal was too ambiguous and that the provisions should be spelt out more clearly. It is not recorded as to whether he was satisfied with the final form this section took but it is quite probable that he was not, for the Alberta legislation which followed a month later tackled the problem somewhat differently. (64) Manning also believed that the Conciliation Boards ought to have the power of binding arbitration, but such a step was not taken. Indeed, it was not taken in Alberta either.

Finally, Manning argued for the exemption of Provincial Minimum Wage Orders and Industrial Standards Schedules from P.C. 9384 (Wartime Wages Orders). If this was not possible, then he argued for a certain set minimum wage and overtime rate. He further argued for the right of provinces to grant vacations with pay without their being subject to the Wartime Labour Boards. Wartime Labour Boards ought, he thought, to have the power to approve of group wage adjustments.

When it came to the sections on unfair labour practices, Manning seems to have been in substantial agreement and had no complaints or suggestions with respect to those. Indeed, none of them would be new to Alberta law save only the prohibition on work slowdowns. Overall, the clear impression from Manning's submission is that the Alberta government found the new regulations easy to take and in the legislative session next following the passage of P.C. 1003, most of the provisions of the order which were not already in the Alberta act, would become Alberta law as well.

The importance of P.C. 1003 was that for the first time, as H.D. Woods says, there was in Canada an integrated industrial relations system complete with administrative machinery. (65) It provided the template for provincial legislation to come and for post-war Dominion legislation. The provinces having had imput into its formation were more committed to it as a system than they would have been otherwise and by the time it lapsed in 1947, its provisions were law in most of the provinces. Indeed, most of the provinces had opted into P.C. 1003 within months of its passage in 1947, but Alberta was different. One continuing thread of Alberta policy seemed to be its reluctance to let others handle its labour problems when a made in Alberta approach would do just as well. If it was a question of national security or war industries, then, as far as Alberta was concerned, it was already under P.C. 1003. For the rest, they could stay under provincial control. In a letter to Humphrey Mitchell, Manning made that point.

> In view of the fact that our present Provincial Labour legislation is working out very satisfactorily we do not feel that it would be adviseable

> to disrupt the present situation by requesting that the Dominion Labour Code be made applicable to industries in Alberta, other than those to which it ordinarily applies. (66)

Presumably, a similar response was made to Charles Daly, Ontario Minister of Labour, who requested that Manning advise as to the position of the Alberta government on a uniform Dominion code. (67) Ontario's position was clear. They were for it. Not only did they solicit Manning with respect to a uniform code, but they were also in favour of a uniform system of provincial administration. Alberta's response would appear to have been to continue in its own path continuing and consolidating the powers of the Board of Industrial Relations.

Yet at the same time, a rather curious letter went out from Manning to the Canadian Manufacturers' Association. They had suggested to Manning in a letter dated March 16, 1944, that P.C. 1003 should be extended by Alberta to cover all provincial industry. (68) This in and of itself would appear to be a curious volte face for the CMA who had rather confidently stated at the start of the war that the current system of labour relations was working very well as far as they were concerned. The CMA expended a great deal of time and energy during the whole of the period under study to preventing any change in labour law that might provide any advantages for workers, whether organized or unorganized, and had, as far as records disclose, opposed every piece of legislation brought in by either the Dominion or Provincial government. In any event, Manning replied on March 17 that the Alberta government was doing precisely what they asked. (69) The Alberta government was of course doing nothing of the sort. It may be that there was some lapse of communication here. Perhaps what Manning had meant to say was that 'we are, in our own provincial legislation, enacting such an amount of P.C. 1003 as to say that its policies and practices are now incorporated into Alberta law'. This would have been a more or less correct statement.

It is instructive to compare P.C. 1003 and the amendments that were brought in to the Alberta Industrial Conciliation and Arbitration Act to see just how far Manning would have been correct in stating that Alberta was bringing in P.C. 1003. Amendments in 1944 were extensive and introduced for the first time concepts such as "bargaining agent", "bargaining unit" and negotiating "in good faith". (70) Section 5 of the Alberta Act was substantially rewritten in order to provide a more complete machinery for collective bargaining. Taking their cue from P.C. 1003, the Alberta Act provided for a "certification" process whereby after a bargaining agent had been selected by the employees, the Board of Industrial Relations could inquire into the matter and decide whether such selection was to be validated. (71) Once the Board was satisfied, a

bargaining agent continued in place for one year. The process in Alberta was not actually called certification, but merely appointment (the word certification was not to appear until 1947) but in essence it was the same process. However, Alberta required that the employees chose their bargaining agent by secret ballot in a meeting held only after due notice had been given to the employees. (72) P.C. 1003 required only that a majority of employees affected vote in favour of the bargaining agent. (73) No specific requirements existed as to how that vote should be taken. Thus Manning appears to have won at least part of his battle for union democracy. Alberta legislation contained no provison for "automatic certification" as did P.C. 1003. Under the order, if a majority of the employees were members of a trade union (as evinced by a written request) that trade union could elect or appoint a bargaining representative. (74) This Manning would have been opposed to and such a provision would not appear in Alberta. In Alberta, the union could have signed up the entire plant and still have been required to carry out a vote by secret ballot. P.C. 1003 contained provisions allowing for two or more trade unions to jointly represent employees. (75) No specific provision for this was contained in Alberta law although nothing seems to have prevented it either.

P.C.1003 provided for separate craft union organization, (76) which would have been undoubtedly necessary to get the Trades and Labour Congress onside. Furthermore there is legitimate need in some instances to separate out some groups from the larger unit in order that their special needs and requirements might be taken into account. The order compromised on this issue as in all reality it had to so as not to be seen to show some favoritism for industrial or craft organization. Alberta likewise provided for separate craft organization in that bargaining agents could be selected not just by employees but by "classifications" of employees. (77) Alberta had in fact first introduced the concept in 1943 allowing for bargaining to be conducted by a "committee or trade union duly appointed by majority vote... of any class or category of employees". Both Ontario and British Columbia also permitted craft organization by way of similarly worded clauses. (78)

The introduction of the section permitting class or category organization was to cause some headaches when first introduced. It was a concept much disliked by municipalities who were then required to deal with a multitude of different unions representing their workers. The City of Edmonton took the position during negotiations in 1943 that only one union could represent city workers. (79) They were disabused of this idea by the Attorney-General's Department. The Mayor of Edmonton had apparently pointed out that Dominion legislation at the time did not recognize classes of employees

but the response from the Attorney-General's solicitor, Mr. Gray, was that as the Dominion did not enforce collective bargaining either, that was an irrelevant point. Gray also said that he didn't think that the precise wording in the 1943 amendment that had produced bargaining by class or category was really very important as prior to 1943, the Act allowed for collective bargaining to be carried out on behalf of the majority of employees affected. (80) The words "employees affected" implied class bargaining anyway so the amendment was nothing new. Gray may have felt that the legal effect was nothing new but that is not the way it appeared to others. A major dispute arose in Edmonton over the Street Railway Drivers and whether or not they were the legitimate representatives of the motormen and bus drivers of Edmonton. (81) The City would have much preferred to see the matter dealt by the Civic Federation, an informal employees' organization covering all city employees. It was decided that the motormen and busdrivers did constitute a separate category and the city was required to negotiate with them and accept them as the employees' representative.

The only real question that would exist with respect to craft organization would be whether such a classification was a good workable bargaining unit. There is some question that the Alberta wording is more favorable to craft organization as it is not prefaced, as is P.C. 1003, by the words "if in accordance with established trade union practice". (82) Such phraseology might be used to argue that if no craft unit was already in existence, there was no established practice with respect to those employees and thus in order to form an appropriate unit, they would have to be included on an industrial basis.

Both P.C. 1003 and the Alberta Act required employers to negotiate in good faith with their employees to reach an agreement. (83) Either party could serve notice to commence the process, and either party could request intervention by the government if it appeared that a collective agreement could not be reached. The matter then could go to arbitration. In Alberta the ability to serve notice upon an employer and require him to attend at a negotiating session had first been introduced the year before in 1943 and failure to bargain or to appear at such a meeting was made an offence. (84) The change in 1944 was to define collective bargaining as not merely bargaining alone, but bargaining in good faith. (85)In neither piece of legislation was the arbitration to be binding, but arbitration reports had to be voted upon by the employees or employers as the case might be before any industrial action could be taken. (86)

P.C. 1003 made the obligation to obey the collective agreement general. Every party to it was to abide by it and all employees in the bargaining unit were bound by it

whether union members or not. (87) Such a provision was not in the Alberta act.

P.C. 1003 provided for a grievance settlement procedure to be followed in the event that a dispute arose during the life of the agreement. Collective agreements were required to have a process for the final resolution of such disputes. (88) Alberta legislation did not include this requirement at this time. (89)

Both pieces of legislation required compulsory conciliation of disputes and prohibited strikes and lockouts until such time as the conciliation procedures under the legislation were complied with. This of course was nothing new and had been contained in both the Industrial Disputes Investigation Act and in the Alberta legislation since 1938. (90)

The unfair trade practices section of P.C. 1003 included matters that had already been legislated against in Alberta as well as many other provinces. It also included matters that had previously been part of the Criminal Code. (91) There was a prohibition on employer interference or domination of a trade union or employees' organization, which prohibition was not included in Alberta. (92) There were new unfair practices aimed at the employees themselves. Not only were strikes prohibited but also work slowdowns or any activity designed to restrict or limit production. (93) Although there had been pressure on the Alberta Government in previous years to amend the Act to provide for unfair practices sections dealing with union activity, none was to appear until 1948. (94)

Alberta added a section in 1944 allowing for employer deduction of union dues upon a written request by the employee. (95) The AFL had been asking for this particular change. The Dominion regulations did not contain a similar provision.

The new Wartime Labour Relations Regulations achieved their purpose of reducing industrial unrest. According to Stuart Jamieson, the number of strikes and man days lost during 1944-45 were less than one half the 1943 level with only one third the number of strikers involved. (96) According to the Labour Gazette, the incidence of strikes and lockouts in Canada dropped in just one year from 405 in 1943 involving 1,041,198 man days lost, to 199 in 1944 involving 490,139 days lost. (97) In coal mining, the drop was even more dramatic with 111 strikes in 1943 involving 204,980 man days lost, going down to 46 strikes and a mere 28,507 days lost in 1944. (98) In Alberta, the effect of the new regulations was not felt as strongly as in those areas which had been the centres of previous unrest. In any given year, Alberta had only a handful of strikes and this was as true in the mammoth strike year of 1943 as any other time. In 1943, there were only 5 reported strikes in Alberta (excepting the coal miners). (99)

Three of those involved truck drivers, one concerned labourers in Edmonton and the last was hotel employees in Edmonton. In 1944, there were two strikes (again excepting coal miners), (100) but in 1945, that figure had gone back up to four. (101) Threatened disputes tended to be resolved before they proceeded to strike action, so an Alberta strike was a rare event. But then Alberta had only 4% of the total employed population in Canada in 1944 and few of those were employed in the contentious manufacturing and industrial concerns. (102)

P.C. 1003 then, was not the big turning point in Alberta that it would appear to have been for other parts of the country. Certainly the process whereby it was created would reap benefits for Alberta labour in the years to come. Alberta's relatively sympathetic handling of its own labour matters was now married to an overall country wide strategy for industrial relations. That meant of necessity that there would be no possibility of turning back from the systems that had been created during the war to deal with organized labour. The only changes now would be an increasing sophistication.

The war changed labour relations in Canada forever. It was not merely the introduction of the American style of legislation and bargaining relationship. The intensive involvement of the Dominion government had led to an enormous increase in the consultative process by which the legislation was created. Organized groups both of labour and of management were now used to regular sessions with government ministers and civil servants both at the Provincial and the Dominion level. Governments themselves were now consulting each other and talks on a departmental basis were becoming more common. There was a desire to create a unified body of labour law with overall principles to guide decision making, such as P.C. 1003.

Alberta had been spared the industrial unrest that had characterized the rest of the country through the war. But the framework developed during the war was one which would be needed at the war's end when the post-war boom began. Workers frustrated by Dominion controls during the war would be looking to play catch-up when it was over. Notwithstanding Alberta's refusal to implement P.C. 1003, legislative changes during the war had given Alberta as comprehensive a set of labour laws as any province and the challenge in the post-war years would be to fine-tune those laws for an increasingly urban and industrialized province.

CHAPTER FIVE
POST-WAR ADJUSTMENT

When the Second World War ended in August, 1945, the special wartime measures imposed on labour to assist the war effort were not immediately lifted. One of the reasons for this was the hope of some parties that given the extensive uniformity in labour legislation and administration that had existed throughout the war, it might be possible to convince provinces to consent to Dominion-wide legislation and surrender their own exclusive legislative authority over labour relations firmly established since the Snider decision in 1926. Only the existence of a wartime state of emergency had permitted the usurpation of provincial jurisdiction. With the end of the emergency, Dominion jurisdiction would likewise end, and did so in May, 1947.

Many elements of organized labour were strongly in favour of Dominion jurisdiction over labour relations with provinces relegated to an administrative role only. This position was supported by some governments as well. In a conference held in Ottawa in early 1944 concerning the imminent passage of PC 1003 and proposals for post-war legislation, Ontario took the position that only uniform Dominion legislation for all industry would be truly satisfactory. In a telegram to Manning, the Ontario Minister of Labour asked whether Manning could provide suppport for this position. (1)

Private groups likewise came out in favour of a Canadian Labour Code. The Canadian Council of Churches sent a resolution to all governments, including Alberta's, supporting uniform legislation that provided for the right to organize and bargain collectively. They asked also for uniform procedures across the country to handle industrial disputes. Manning responded courteously, but non-committally. (2)

Given that Manning had already shown strong reluctance to impose PC 1003 on provincial industries, it was not surprising that the continued attitude of Alberta's Social Credit Government was to resist Dominion incursions into Alberta's jurisdiction. By 1945, there was a new Minister of Labour but his deputy remained W.D. King, Manning's first deputy. Edgar Gerhart became Minister of Trade and Industry in 1945 and would be instructed in policy by King. When Gerhart received a petition from packinghouse workers requesting a Dominion wide labour code, he turned to King to draft a reply. King drafted a polite non-committal letter assuring the workers that their views would be considered. Privately to Gerhart, however, King characterized the attempt to formulate a unified centralized code as a CCF plot to centralize the law so that it would be more easily manipulated. "Alberta policy" he told Gerhart "has been to handle its own Labour on the spot, under provincial Legislation wherever possible." (3)

In any event, it was to be shown somewhat later that, Provincial intransigence aside, an attempt to impose a Dominion Labour code would have been ultra vires both Dominion and Provincial governments. Snider had declared labour relations to be within the realm of provincial jurisdiction and the Supreme Court of Canada in Attorney General of Nova Scotia v. Attorney General for Canada, (4) ruled that provinces may not delegate legislative authority to the Dominion. Even if all the provinces had been agreeable following the war to a Canada wide Code it would have foundered for lack of constitutional validity.

The provinces had, however, in a Labour Ministers conference in 1946 agreed that as far as was practicable, there should be uniformity of collective bargaining legislation. Each province should legislate so as to conform in large measure to the principles and practices of the Dominion and the other provinces. (5) As a statement of principle, there seems no doubt that Alberta would find it easy to agree as there were no major policy differences between Alberta legislation as it had evolved to that point and Dominion legislation. The mere existence of PC 1003 had caused an evolution in almost all provinces towards a uniform system as one after the other they adopted the terminology and methodology of that order. Alberta was no different. While PC 1003 was never in fact declared in effect in Alberta, extensive amendments to the Industrial Conciliation and Arbitration Act in 1944 had brought all major provisions of PC 1003 into effect. (6)

It appears that throughout the Social Credit mandate the Alberta government had been jealous of its authority in labour matters. Concern over Dominion incursions into Provincial jurisdiction had manifested itself early. In 1938, the Deputy Minister of Trade and industry first began questioning the legal justification for Dominion control over coal mining disputes in Alberta. The immediate issue which concerned King was a dispute between the United Mine Workers and the Drumheller District Coal Operators. King apparently raised the jurisdictional question with Mr. F.E. Harrison, Western Labour Representative of the Dominion Department of Labour. Harrison was in the process of establishing a Conciliation Board to deal with the dispute. Dominion authority to do so, he stated in a letter to King on April 27, 1938, was contained in the IDI Act, sections 2(f) and 3(c). These sections were the definitions section and the emergency powers section. Harrison pointed out that the Dominion statute's validity had never been questioned since the amendments following the Snider case and the enabling legislation which followed. (7) King sent the letter off to Gray and Gray responded that Harrison's arguments seemed to him "a pretty thin foundation for their jurisdiction", an opinion he was to

continue to hold for many years. He also pointed out that as there was no apprehended national emergency, s. 3 was of no application. (8)

A year previous to this there had been some question as to jurisdiction over employees in the National Parks. King made enquiries of the Attorney-General's office at that time asking for an opinion on the question of whether Alberta's Minimum Wage Acts or Hours of Work legislation could be made applicable. (9) Both King and J.W. McClung, who prepared the legal opinion, concerned themselves only with the non-unionized employees as the unionized ones would obviously not be in need of provincial standards. There was some concern about the possibility of the application of provincial law to the running trades working for the railways as their work was not performed entirely within Alberta's boundaries. The vast majority of them were however unionized.

A possible barrier to provincial authority was an existing Dominion- Provincial agreement with respect to the National Parks that the province would not license or control restaurants, theatres, entertainment facilities and so forth. It might be argued that the labour standards legislation was of this nature and that the Province had contracted away its right to exert jurisdiction over facilities in the parks in this way.

> ... but I am still of the opinion that the Dominion legislation for National Parks could not over-rule all Provincial powers respecting property and civil rights and that following the recent decision of the Privy Council in which it was held that the Dominion could not pass a uniform Minimum Wage law operative throughout the Dominion of Canada that the Provinces will still be able to deal with Minimum Wage matters within their territorial jurisdiction. (10)

The Privy Council decision referred to was that of Attorney General for Canada v. Attorney General for Ontario. (11) (The Labour Conventions Case) The Privy Council ruled that it was ultra vires the Dominion government to enact Dominion wide minimum wage and hours of work legislation. Such legislation encroached on provincial jurisdiction in labour matters. In light of that decision, McClung's final advice was that the Minimum Wage Act ought to apply to areas within the National Parks so long as the employees themselves came within Alberta's legislative jurisdiction. (12)

The Labour Conventions case dealt with the validity of Dominion statutes passed to implement conventions of the International Labour Organization of which Canada was a member. Canada had ratified the conventions involving hours of work, weekly rest periods and minimum wages. The Supreme Court of Canada was evenly split on the question of whether the treaty making power possessed by the Dominion allowed it to

encroach upon provincial jurisdiction over property and civil rights. According to Duff, C.J.C., s. 132 of the British North America Act, which gives the Dominion exclusive authority to enter into international treaties also confers upon it the power to implement those treaties whether or not the subject matter is within Dominion legislative competence. (13) This view was not adopted by the Privy Council where Lord Atkin stated that it was essential to differentiate between the power to enter into international obligations and the power to perform them. Any treaty obligations entered into by Canada which would affect existing law were required to be ratified by a competent legislative authority. s. 132 did not give the Dominion power to enforce international treaty obligations as that section dealt only with Canada's obligations as part of the British Empire. The only legislative reference could be to sections 91 and 92. (14) A previous case, In Re Legislative Jurisdiction over Hours of Labour, (15) had already decided that matters such as the ones in consideration here were normally within provincial jurisdiction. No additional legislative competence is given the Dominion merely because they enter into an international obligation. "...the Dominion cannot, merely by making promises to foreign countries, clothe itself with legislative authority inconsistent with the constitution which gave it birth." (16)

This decision considerably strengthened provincial authority over labour matters making it clear beyond a shadow of a doubt that the major power in labour matters was to be the provinces. Dominion jurisdiction could extend only to persons who were their own employees, workers in areas which were not within provincial boundaries, or employees in Dominion works and undertakings.

By 1941, King was again pressing for some sort of resolution with respect to conflicts between Dominion and Provincial jurisdiction. No doubt the matter had become more of an issue during the war as the Dominion government was asserting greater authority over more and more areas. Numerous disputes throughout this time illustrated the difficulties in determining just who was responsible for settling disputes that arose. In 1941, conciliation was requested by the Calgary Civic Workers, and the Dominion Assistant Deputy Minister of Labour, Mr. Gerald H. Brown intimated that some of the affected employees would fall under the the relevant sections of the IDI Act and others would not, and therefore there was jurisdiction to establish a Board with respect to just some of the employees and not to all of them. (17) Frawley told Manning that the dispute was within s. 12 of the ICA Act and therefore within Alberta's jurisdiction as the dispute involved a failure to pay cost of living bonuses negotiated in a previous agreement. But the Dominion had overall jurisdiction over any matter invoving wage disputes. (18)

Despite passing on all this correspondence, King was never able to get a definitive answer on jurisdiction from his own Attorney-General. (19)

Precision in the legal situation would appear to be what the Department of Trade and Industry wanted above all. In 1941, Clayton Adams, then the Chairman of the Board of Industrial Relations, and R.J. Gaunt, the Board's solicitor, came up with legislative amendments which would, together with repealing the 1928 IDI Act (Alberta), accomplish Alberta's end of bringing all labour matters under provincial control. (20) In 1942, the 1928 Act was repealed thus providing for no legislative enactment that could bring Alberta disputes under Federal jurisdiction save only those orders passed under the War Measures Act. (21) Extensive amendments to the ICA Act were made in 1941,(22) 1943 (23) and 1944 (24) to provide more detailed coverage for numerous classes of employees and types of disputes. In a way, these amendments had the nature of a pre-emptive strike taking into provincial control everything where the Dominion had left a jurisdictional opening. When PC 1003 was passed in 1944, Alberta declined to implement it for matters under provincial control and chose instead to incorporate salient aspects as yet undealt with. The concern for provincial autonomy even in the middle of the war was very strong.

Jurisdictional disputes refused to go away. One irritating aspect was that the Dominion Department of Labour assumed jurisdiction in some disputes as a matter of convention it might appear, and made no very great effort to justify their presence. In other matters they casually waived any interest again for no specific administrative or legal reasons. Attempts to pin down the precise line of demarcation between the two levels of government were often doomed to failure. In Alberta, it was a matter more important than in some other provinces where Dominion-Provincial agreements provided for a joint administration of PC 1003 and any relevant provincial laws. (25) Alberta had two separate sets of laws and procedures often overlapping. A dispute in the flour-milling industry in 1945 was essentially one where the confusion of jurisdictions had led to delays and aggravation. It abruptly ended with no recorded resolution. (26) The situation of the meatpackers erupting in 1944 and continuing for the next two years was a prime example of the difficulties inherent in a situation of shifting or uncertain jurisdictions. It had been Alberta's worst industrial dispute aside from the coal mines and it must have occurred to the government that it had been worse than it needed to be because of the uncertainty of the legal position. (27)

The case of the dispute at Alberta Nitrogen Products Limited gives another indication of how maddening these disputes could become. (28) The case arose over a

question of the deduction of union dues. The employer refused to give effect to a request for an automatic dues checkoff and the employees were threatening to go on strike. The ICA Act gave the BIR power to deal with disputes involving interpretation of a collective agreement and furthermore the act provided for a dues checkoff when so requested by the employees. (29) Strangely, PC 1003 had no provisions with respect to union dues and so no recourse could be had to Dominion law to enforce that requirement.

But Alberta Nitrogen Products was claiming that firstly, they were a Crown Corporation and thus exempt from the operation of both PC 1003 and provincial legislation, and secondly, if not immune as a Crown Corporation, they were at the very least a war industry subject only to Dominion jurisdiction. Thus they claimed that the BIR had no authority to impose a dues checkoff on them. Alberta sought to clarify the matter with the Wartime Labour Relations Board and received a somewhat unsatisfactory response. King first wrote to Gray to ask his advice on the matter saying that he had been advised that the WLRB felt itself able to simply relinquish jurisdiction into the hands of the provincial gvernment. "Personally," King confided, "the writer would be loath to agree with this view and feels that jurisdiction should be complete on either one hand or the other." (30) Gray responded by assuring King that it was not possible for the WLRB to waive jurisdiction over a particular plant and that it would require an order in council. But, he added, if the matter in dispute is not part of PC 1003, a section of a provincial statute could apply while the Dominion retained overall control. (31)

Unsatisfied, King wrote to Mr. Justice J.B. O'Connor, Chairman of the NWLRB in Ottawa.

> It is confusing and undesireable to attempt to apply both Dominion and Provincial legislation re labour matters to any one particular enterprise. While it appears to us quite clear that the Wartime Labour Relations Regulations apply to this employment and the position has so been regarded by your Board, it has been held that because these regulations do not at present cover the question of collection of union dues and that our Provincial Industrial Conciliation and Arbitration Act does cover this particular point that therefore, in this particular instance, Provincial Legislation is applicable.
>
> We would be grateful to have the benefit of your balanced judgement. (32)

Clearly King was particularly concerned that the BIR not act in the absence of sufficient jurisdiction.

Justice O'Conner's answer was singularly unhelpful. He replied that he was truly unable to give an answer and that the matter was a choice between the lesser of two evils. He did offer some encouragement for provincial action however. If you lose your case,

he said, and the courts throw the case out for want of juridsdiction, at least the BIR could say it tried and would therefore have a complete answer to criticism. It was also possible that it would take so long to get the case to court that by the time it was heard, the war would have ended and jurisdiction in the matter reverted to Alberta. (33)

King apparently gave up at that point trying to get a clear answer from anybody and proposed to Gray that they go ahead and make Alberta Nitrogen Products a test case. Gray agreed that the matter would have to be left with the courts. (34)

By early 1946, the subject of overlapping jurisdictions was receiving attention from the Executive Council of the Alberta government. At this time as well, the war having been over for some months, the question of post-war labour laws became very important. The War Measures Act had not yet been lifted and so PC 1003 was still in effect. But the time was definitely approaching when the provinces would have to step back in. It was beginning to appear as though a Dominion wide Code was not in the cards. Manitoba's Legislative Counsel, Mr. G.S. Rutherford, wrote to Gray who was now Alberta's Legislative Counsel, asking him what Alberta intended to do if the Dominion suddenly pulled out of the labour relations field. Manitoba was seriously considering legislation substantially along the lines of PC 1003 against that eventuality. (35) Gray's somewhat self-congratulatory response was that Alberta would not be bringing in replacement legislation as the existing legislation currently had all the necessary mechanisms for a collective bargaining system. (36)

The one thing that was concerning Alberta was the extent of Dominion power once PC 1003 was rescinded. The Executive Council asked for a legal opinion in order to clear up for themselves the confusion between the two levels of government. (37) It is apparent that the major concern was how to ensure that Alberta reserved for itself the most powerful role in determining the future of labour relations within the province. There was a strong opinion that Alberta alone could best handle its own affairs and that Alberta workers and industry were best served by made in Alberta solutions. After all, Dominion presence in the coal mines during the war had done nothing to prevent the worst outbreaks of industrial unrest there since the 1920s.

King, in passing on the request for an opinion to J.J. Frawley in the Attorney-General's Department, echoed a previous opinion of Gray's on the same subject in saying "Dominion claims for authority seem to be based on very weak assumptions." (38) It was obviously in the mind of the government at this point to re-assert control. King pointed out that Mr. Harrison of the Dominion Department of Labour and the man who routinely mediated coal mine disputes was retiring imminently, and thus the time

appeared ripe to move in. (39)

Frawley responded in October with a long careful summary of the legal opinion as he saw it as to jurisdiction in the coal mines.

> Federal authority for the establishment of Conciliation Boards in coal mine disputes is founded upon the definition of employer in the Federal Act as well as upon the provisions of the provincial enabling act [IDI Act (Alberta) 1928] . ... the Dominion is not depending upon the existence of any agreement betwen the Dominion and the Province.
> ... the provincial Labour Disputes Act of 1926 (replaced in 1938 by the Industrial Conciliation and Arbitration Act) did not extend to labour disputes in coal mines.
> ... Shortly after the commencement of World War Two, the Dominion passed various Orders in Council under the War Measures Act coferring upon Dominion officials wide jurisdiction in labour disputes. All these Orders in Council will cease to be effective upon the signing of the Peace Treaties, or upon such other event as will bring to an end the powers of the Dominion under the War Measures Act.
> ... In 1942 by Chapter 15 of the Statutes of Alberta, 1942. the Industrial Disputes Investigation Act (Alberta) 1928 was repealed. The effect of this repeal will not be felt until after the termination of the Federal wartime powers.
> ... a mere Agreement between the Province and the Dominion would not be sufficient to transfer jurisdiction from one legislative body to another. (40)

In short, Frawley was advising the government that whatever measures were necessary to assert the widest possible control over labour matters in Alberta had already been taken and needed only the end of the wartime powers to become effective.

Throughout the tenure of the Social Credit government, Alberta's preference was to go it alone. It would not have been Alberta's intransigence alone that killed any chance for a Dominion wide labour code, but there is no doubt that there was never any discussion in Alberta as to the feasibility of such a code. Indeed, the discussion from 1938 onward was all entirely in the other direction. Whether this was a Ministerial or Departmental preoccupation cannot be known, but it would appear that both Manning and King shared a desire to remove Dominion authority from Alberta industry and to prevent any greater incursions onto provincial jurisdiction than were strictly necessary. Manning has recently stated that

> Alberta favoured retaining its own legislation... . The main reason for this of course was that the circumstances were very different between the industrialized central provinces and the relatively unindustrialized prairie provinces such as Alberta. We felt that our labour management problems were significantly different to those in Central Canada and it was far better for us to retain our own legislation to deal specifically with the problems that we had to face provincially. (41)

It might not be too speculative to say that the extensive labour legislation passed by the Alberta government was done partly in order to remove the possibility of any vacuum into which the Dominion could move. Alberta's legislation was consistently more broad in coverage than that of the Dominion, and while provisions may have differed, there was never a time during this period when the Dominion legislation provided more basic rights, or mechanisms for the enforcement of rights or higher general minimum standards for the protection of the unorganized than did Alberta.

The general level of satisfaction with the government felt by labour in this immediate post-war period has been generally noted. (42) Some writers have put it down to weak union organization or a co-opting of the leadership by the government. Some have felt that unions were anxious to dissociate themselves from socialism as the first shots of the Cold War were being fired. The simplest explanation however, has been consistently rejected, one suspects, because of its ideological incorrectness. Labour, both organized and unorganized, was happy with the government because they believed they had a sympathetic ear in Edmonton.

The 1945 AFL brief to the Alberta government praised the government for its actions in the past. " ... we know the desire of your government to be leaders in social legislation", the brief stated. (43) The AFL went some way towards assuring the government of its gratitude for past favours. And in reality, there is no reason why the AFL should not have been grateful. Legislation and administration were fair and progressive within the Canadian context. With the end of the war clearly in sight, organized labour would likely have perceived itself as well-positioned to take advantage of the peace.

James McPherson of the Labour Progressive Party expressed dissatisfaction with the ICA Act at around the same time. In a telegram, he demanded Manning enter into consultations with the unions with respect to proposed amendments. (44) The unions themselves expressed no such dissatisfaction. The AFL wished only minor adjustments and additions and had no overall quarrel with the thrust of the Act. It is hard to resist the conclusion that the only real opposition to the government's labour legislation came from political opponents and not labour leadership per se.

To the extent that one can judge the mood of the unorganized at this time, it also would appear to have been generally optimistic. The report of the Labor (sic) member of the BIR on the 1946 activities of the Board's inspectors is full of praise.

> The success of these inspectors in protecting unorganized workers and in carrying on educational work through all the Province cannot be over-estimated. (45)

The report of the Chief Inspector, H.P. Rocke, for the 1946 year end is buoyant, almost exhilarated. (46) While handicapped by a shortage of staff and materials, Board inspectors had covered nearly the entire province in the year. The staff seemed imbued with a sense of mission, printing flyers and taking out newspaper and radio ads. They saw their job as not merely a police function but an educational one. Armed with their copies of Board orders and regulations, they traversed the countryside, and according to their own reports, were well received wherever they went. Firmly convinced that many infractions were accidental owing to lack of information, they set about filling the gap.

The only consistent note of disgruntlement during this period aside from political opposition, was employers' groups, and in particular, the everpresent Canadian Manufacturers Association. On the eve of the passage of the consolidated Alberta Labour Act in 1947, they were again criticizing the government for being over-generous to the province's workers, both organized and unorganized.

> Owing to concessions made to labour in recent years a very substantial addition has been made to the cost of production in this province. (47)

The CMA was particularly incensed with the wide regulatory power given to the BIR which ought not, in their opinion, have the power to reduce hours of work or increase minimum wages by regulation. All such matters should go through the legislature. (48)

Similar complaints about Board orders which altered the statutory minimum standards were heard from labour. The key difference between the management and labour complaints was that while labour complained when the Board exercised discretion to, for example, increase hours of work in certain industries such as the oil industry (49), management through the CMA was complaining about the existence of this discretionary power in the first place. There seemed to be no general dislike of the broad power of the BIR in labour ranks and apparently, no submissions on behalf of labour ever criticized the BIR's mandate. The CMA on the other hand, seemed to view the BIR with some suspicion, presumably because their actions were much less open to scrutiny than similar actions taken in the legislature.

The generalized level of support for the government and the BIR would seem a fairly clear indication that from a labour point of view, Alberta law and administration was generally satisfactory. While some outright resistance still existed on the management side, employers also were increasingly coming to accept the machinery and policy of labour relations as a given.

In 1947, all legislation in Alberta relating to labour relations whether for organized or unorganized labour was consolidated into the Alberta Labour Act. (50) Most provinces continued to separate collective bargaining statutes from those statutes relating to industrial standards such as minimum wages and hours of work. Alberta not only combined them, but empowered the Board of Industrial Relations to deal with them all, a situation unique in Canada (51) Control over labour relations in Alberta was therefore highly centralized.

This had been more or less a de facto situation prior to 1947 as the Board, first created in 1937 under the Hours of Work Act slowly gained authority over more and more pieces of legislation. But the full de jure nature of its power became apparent in the 1947 consolidation. Not only did the Board exercise wide-ranging jurisdiction over administration and enforcement of the Labour Act, it was also closely involved in the evolution of policy. For many years (in fact until 1970) the Deputy Minister of Trade and Industry was also the Chairman of the Board of Industrial Relations thus giving rise to the comment that the most important instrument of policy in Alberta was the Deputy Minister's telephone. (52) This high degree of centralization in Alberta was deliberate. Manning has stated that the government felt that "concentrating jurisdiction over all labour matters under the one board was a more effective way of dealing with these matters than to have the jurisdiction spread around among a number of different boards or Government departments ... we felt it would be a more efficient way to handle labour management problems both from the standpoint of labour and management." (53)

The actual decision to combine all legislation concerning labour and place it in one act was "purely a matter of convenience", (54) but the fact that it was all contained in one act and administered by the same body meant that the same basic policies would apply to both organized and unorganized workers.The government felt that the interests of the organized and the unorganized were basically compatible and saw no reason to separate the two. (55) The 1947 consolidation continued to recognize associations of workers that fell short of having trade union status. (56) Alberta always strove to permit the recognition of various forms of organizations including ad hoc bargaining committees while the unions inevitably preferred the permanence of a trade union structure. Concern for and recognition of individual interests within the group continued. Alberta required secret ballot selections of bargaining agents and secret ballot voting on arbitration awards or contract offers. (57) The organized worker was not to be subsumed within his organization.

Six acts were brought together and consolidated to form the Alberta Labour Act.

There were few substantive changes made in this consolidation. Almost all definitions and procedures were drawn from the old acts. The introductory sections were all drawn from the Hours of Work Act, the Minimum Wage Act and the Male Minimum Wage act. Part I was essentially a repeat of the Hours of Work Act except that the hours of work for males were reduced to the same statutory maximum as for females. (58) The Hours of Work Act had exempted coal mining entirely from its operation. The Labour Act Part I applied to coal mining to the extent that it was not incompatible with the Coal Mines Regulation Act. (59)

Part II re-enacted the Female and Male Minimum Wage Acts. Some alterations were made with respect to the powers of the Board to make orders concerning apprentices and for holiday pay. (60) New limitation periods were placed on civil actions for the recovery of money when an employee had been paid less than the minimum wage. (61) The fair wage section was amended to give the Board power to order a fair wage in the absence of any specific contractual obligation on the part of the employer. (62)

Part III was almost word for word the Labour Welfare Act. Some definitions were taken from the Factories Act. The only new sections were those dealing with holiday pay, empowering the Board to make orders with respect to the entitlement to an computation of holiday pay in any type of employment. (63)

Part IV re-enacted the Industrial Standards Act. Here again, there was no change except to clear up an ambiguity inherent in the old act - that of the advisory committees who could be appointed to help enforce a schedule. Previously there had been no statutory definition of or provision for these committees, but a new section provided for their establishment. (64)

Part V contained most of the provisions of the Industrial Conciliation and Arbitration Act with some important changes. Indeed this part would seem to be the only one where any substantial revision was done. Most definitions remained the same although it is interesting to note the divergence between the definition of trade union or bargaining agent in this Part and association of employees in Part IV. The latter is required by definition to be free of undue influence or domination by an employer (65) whereas Part V was silent on this point in the definitions section. (66) To be sure, interference with a trade union was an unfair labour practice (67) but this would not necessarily have prevented an employer dominated union or other organization from becoming certified as a bargaining agent for employees. s. 63 also forbade only interference with a trade union and not with any other organization or association of employees which could equally become a bargaining agent under this part. (68)

New procedures were set up in the Labour Act for the certification of a bargaining agent. The process became more procedural and formal than before. Three situations were envisaged where application could be made; where there was no bargaining agent currently certified and no collective agreement in force; where there was no collective agreement, but there was a certified bargaining agent certified more than ten months before; and where there was a collective agreement in force , but more than ten months of the term had expired. (69)

The prospective bargaining agent submitted an application for certification and the Board was required to hold an inquiry and report its recommendations to the Minister. Much of the procedure remained the same with the exception of a new power on the part of the Board to order an additional vote by secret ballot of employees on the question of certification. (70)Where the Board was satisfied that the requirements of the Act were met, certification was mandatory. (71) Certification resulted in the replacement of any previous bargaining agent and the substitution of the new bargaining agent in any collective agreement which may have been in force. (72)

Most of the collective bargaining section remained the same. There were new requirements for all collective agreements to contain clauses forbidding work stoppages during the life of the agreement. (73) Agreements must contain a settlement mechanism for grievances, and if one was not included, the Board had the power to provide one which would then be deemed to be part of the collective agreement. (74)

The unfair labour practices section remained essentially the same save for the inclusion of the previously mentioned section forbidding interference of any kind in the formation or administration of a trade union. Permitting union activity during working hours was deemed not to be participation in a trade union. (75) Procedures for conciliation and arbitration remained as they were. Some minor alterations were made to union dues check-off provisions. (76)

The possibility of a limited resurrection of the Federal Industrial Disputes Investigation Act or any successor act was provided for. The Lieutenant-Governor-in-Council could by order declare that act in force and suspend the operation of the Alberta Labour Act with respect to disputes in the coal mining industry. (77) (Meatpacking was added to this category in 1948. (78))

The general section in Part VI contained old provisions from various acts dealing with Board orders, regulations and administration and general penalties. Only one section was new, that being an evidentiary one, placing the onus of proof on a person charged with an offence to prove that he was not an employer. (79)

The amendments made in the areas of certification and collective bargaining were the only real alterations to labour legislation in 1947, but they were in and of themselves evidence of nothing save a growing sophistication in the field. The massive legislative changes of the 1930's and early 1940's were now in the past and a solid framework for the future laid out. The pressure for uniformity of legislation would, from this point onward, have the effect of influencing the provinces towards similar solutions in their legislatures and regulations. Alberta in 1947 was evolving in an already clearly laid out direction. There were no real changes in policy or orientation and little of what occurred from 1947 to the end of the Social Credit government in 1973 showed the government as having any great change of heart.

The key to the future of labour relations in Alberta in 1947 was the Board of Industrial Relations. Finally empowered in that year to handle all labour relations in the province, the Board was given massive powers including not only regulatory ones but the de facto ability to set and administer policy. Very quickly, the Board became the target of legal actions designed to delineate the precise extent of its wide discretionary powers. For the first time since its creation, the Board found itself under close scrutiny.

One develops the impression that in the years prior to 1947, the Board of Industrial Relations functioned in a highly informal, almost sloppy fashion. At all levels there would appear to have been a high degree of reliance upon personal contact and friendly pressure. Archival material from the office of the Chief Inspector at this time is as likely to contain personal anecdotes as legal files. Investigation reports and recommendations frequently show a casual approach to disputes which would be unthinkable today. This is not in any way to imply a lack of commitment on the part of Board employees. On the contrary, there was in many cases an almost missionary zeal for the cause. But legal weapons were weapons of last resort and some files show a woeful failure to prepare for any legal challenge that might lie ahead.

The Board's casualness in administrative matters got it into some trouble in 1947. In the case of Medalta Potteries Ltd. v. Longridge (80), the Board certified a local of the International Union of Mine, Mill and Smelter Workers as bargaining agents at Medalta Potteries. The certificate was granted under the provisions of the Industrial Conciliation and Arbitration Act, which had been repealed two months earlier.

> ... the Minister has failed to certify that the defendant unions are the bargaining agent for the plaintiff's employees, for the certificate granted purports to be issued under the provisions of a repealed Act. Such a certificate, in my opinion, is a nullity. (81)

There is no indication of how often this sort of thing occurred, and is certainly possible that this was an isolated incident. But it would appear to be symptomatic of the rather casual and unconcerned attitude of the Board. In all likelihood, there were old forms lying around and they were simply used without too much concern as to their validity. In any event, it was a minor technical problem, as the union in this case was entitled to mandatory certification under the Alberta Labour Act and a new certificate was easily obtained.

Changes in the future to Alberta's legislation and administration would have to deal with the recognition that the Board was now truly a body exercising judicial functions and it was incumbent upon it to act appropriately. Labour relations was growing up in Alberta. For the first time, there were now lawyers specializing in the field, unafraid to take the Board to court. The oil boom led to a new influx of workers and unions impatient with the conciliatory methods of the old Board. Nation-wide bargaining became a factor to be dealt with in the oil, construction and meat-packing industries. A higher general level of unionization and industrialization led to the need for a more sophsticated machinery to deal with the demands of both labour and management. Management abandoned its almost surly attitude towards legislation and began to take a higher ground in debates on labour laws. Consequently, attitudes towards unions and workers' rights shifted. Workers had won gains almost unheard of in 1935 and now management would have to alter the battle to take into account the inevitability of these changes. 1947 was the year of the passage of the Taft-Hartley Act in the United States with its radical shift in policy away from that of the Wagner Act of 1935. No more was unionization and collective bargaining the motherhood issue that it had been.

Alberta was a part of all this. Basic rights were won and guaranteed. For the unions, the struggle was still on for membership, protection and concessions. The past was still too recent to risk forgetting. For management, union rights were now a fait accompli. But they could still exert pressure to curtail those rights and enhance legislative protections for management prerogatives. The government's role would become increasingly that of an arbitrator between the two sides. In the 1930's, the government's role had been to empower the organized and protect the unorganized. That, to a large extent, had been done. Now it was time to adjudicate between two sides approaching each other in something far closer to equality.

CONCLUSION

Standard mythology on the Social Credit has tended to paint them in the early years as a collection of loonies. What is remembered about them is "funny money", the attacks on the banks, the Press Bill. The vast majority of published work on the Social Credit tends to concentrate on these highly eccentric examples of a populist government. There has been a glaring neglect of the more positive and lasting legislative contributions of the Social Credit. Not only in labour matters, but also in health and education, the Socreds showed themselves progressive and enlightened, taking a back seat to no other government in Canada at any level. The real business of a real government was going on out of the view of the public and the press who remained enamoured with rumours of scandal, the never-to-appear $25.00 dividend, press censorship and bank bashing. Even scholarly works written at later times tended to place their focus almost entirely on the banking and other financial legislation, and on the subsequent federal-provincial power struggles over disallowances. The Socreds have not fared well in terms of any real analysis of how their government performed in the more mundane areas.

And yet their performance must have been more than adequate. Had they been nothing more than wild-eyed cranks inveighing against the easterners and the vested financial interests, they simply would not have been re-elected in 1940. Had their appeal been merely that of latter day Messiahs delivering the Province from the Depression, such appeal would have been exhausted when the Depression ended. What most writers seem to miss is that the Socreds were delivering good solid government. The vast majority of their legislation and governmental action was responsible and effective. They were in tune with what Albertans wanted and needed and support for them remained high even when support for their drastic monetary policy was beginning to ebb.

It is possible of course, that the beginning of the war saved the Social Credit. The consequent improvement in the economy put the electorate in a good mood even if they never seriously attributed that improvement to their own government. The war also gave a legitimate excuse to defer the institution of a Social Credit monetary scheme, thus lulling those who were still committed to Douglas' ideas. The issue did have its last hurrah when the war ended, but Douglas' ideology then suffered a quick surgical death. It was never to be an issue again.

The University of Toronto's series on the Social Credit Party and its ideology in Alberta was published in the early 1950's long before it could be seen that Douglasism was dead in Alberta and so too was the A + B Theorem and all the other paraphernalia of

Douglas Social Credit. In 1950, it was still so eminently resurrectable and so recent a cause of divisions in the Party and the province that it could remain the subject of amused discussion by eastern academics. From the vantage point of 1990, it becomes quite reasonable to speculate that the monetary policies and programmes of the Social Credit were never what got people to vote for them in the first place. The Douglas scheme was a smoke-and-mirrors trick which for a time fooled the magician as much as the audience. There is no doubt that Aberhart never understood Major Douglas. There is substantial doubt that anyone ever understood Major Douglas. To expect that a relatively unsophisticated, mostly rural population would appreciate the arcane economics of Social Credit would be to expect too much. But the key point is, they thought they did. Aberhart thought he understood Douglas. Each read into Social Credit what he wanted to see. All those elements which had an uncomfortable fit could be thrown out. As the entire thing made no sense to anyone in reality, throwing out bits and pieces to suit one's own convenience was perfectly logical. What was left usually made more sense.

In 1935, people were ready to believe. They were ready to believe anything. By 1940, matters were not quite the same. A government was not going to get re-elected on promises of $25.00 and a plan to follow. The Social Credit were re-elected on their record. The 1935 election has been discussed, written about, argued over again and again because it would appear to offer one of those rare Canadian cases of mass hysteria. The 1940 election is neglected because it was so ordinary. But it was the crucial election. That was the election that truly transformed and confirmed the Social Credit Party as a legitimate political party and a legitimate government.

The field of labour legislation shows how the Social Credit achieved its status as a legitimate government. They had attained power with no set policy on labour relations. Yet they attracted labour votes because of a perception by the voters of fairness and decency and concern for ordinary working men and women. Ordinary workers expected a lot from the government, and importantly, they got it. No matter what their nominal spokesmen at the AFL might say, an ordinary worker in 1940 could look back at the preceding five years and see the achievements of the Social Credit government: a minimum wage for men, extension of the female minimum wage, an hours of work act, a new extended conciliation and arbitration act, a recognition of the legitimacy of trade unions and collective bargaining, new procedures to govern the bargaining process, a Board of Industrial Relations to handle labour disputes, complaints and investigations. In terms of solid achievement, Manning's Department of Trade and Industry had moved a long way.

The advances in labour legislation had come naturally with no really strong opposition within Alberta to most of them. The Department itself initiated most of the changes and appears to have led public opinion and moved in advance of it. There was no great groundswell that forced the government to act. Squabbles with the labour movement itself were in the main about details as opposed to actual policy or underlying ideology as expressed in legislation. There was no dispute that the Hours of Work Act should pass and that workers should have a limit on their hours, the only point of dispute was whether those hours would be eight in a day or nine. There were never complaints that the government was not committed to the enforcement of its own legislation. Complaints came only that the volume of work was too great for the number of officials at hand. Evidence would indicate that the government worked diligently to provide its services throughout the province and prosecute offences vigorously.

The Social Credit Party was committed to free enterprise and the longer they remained in office the more solid that committment became. Opposition to the Social Credit from labour ranks came about mostly as a result of the difference in ideological stance. A number of Alberta labour leaders were also politically active, normally with the Labour Party, the CCF or the Communists. All three of these were definitely not committed to an unfettered free enterprise system and the failure of the government to take socialist steps to deal with the economy or structure of enterprise was taken as a sign that the government was anti-labour, pro-business and reactionary.

Claims that the Social Credit were reactionary have been echoing for years. Socreds were seen as profoundly conservative and right-wing, even ponderously old-fashioned in their orientation towards government and the state. This essential conservatism was seen as manifesting itself in the labour field. The government was seen as the natural ally of business and industry and an only reluctant occasional benefactor to labour. But this is to ignore the fact that organized business groups showed as much if not more opposition to the government's legislation as labour ever did. Allegations have been made that labour legislation in the thirties was nothing more than a reaction to fears of communism and total societal breakdown, so that governments gave as little as possible, just sufficient to hold off the red tide.

Communism was certainly a force in Alberta in the 1930s, and there was a great deal of sympathy with the communist cause throughout the province. And the government was concerned with it. But aside from some isolated incidents of investigations, there is no indication that there was some underlying paranoia about Communism that motivated any legislative changes. To the extent that communism was

suspect in Alberta, it was more due to the fact that it was an outside ideology brought in by outsiders than anything else. Communism posited the existence of a class structure that was quite foreign to Albertans. The concept of some class structure was not new, but previous incarnations of the idea in Alberta revolved around broad occupational categories such as Irvine's classifications of Farmers, Workers and Business. The emphasis in such ideologies as Irvine's was on collaboration and cooperation between groups and not on deadly struggle.

Albertans were in reality much more homogenous than communism claimed at the time and were not inclined to see their interests as so totally opposed to one another. The real struggle going on in Alberta was against a different kind of historical inevitability than the communists had in mind. The Depression hurried it along, but it would have happened anyway that as agricultural efficiency improved, sons and daughters left the farm and moved to the city and the rural population declined. Farming became a much more marginal occupation than it had been. It was only natural that those engaged in farming should fight to preserve their way of life and the self-reliant ideology that went along with it.

C.B. MacPherson has categorized Alberta in the 1930s as a petit-bourgeois society of farmers and shop-keepers, a province of commodity producers with only an imperfect understanding of a modern economy. This he has argued is why the Social Credit was to capture the hearts and minds of Albertans. The commodity producer sees a very direct relationship between his own labour and the result that it produces. Thus he is unable to understand the interplay of forces that guide a modern market economy and tends to blame either stupidity or venality of others for failures in the system. He attempts to impose upon the system as a whole his own model of production without seeing how it cannot possibly work. MacPherson was correct in seeing Alberta as highly homogenous, but incorrect in judging that such homogeneity would necessarily produce a province full of people unable to adjust to a modern industrial economy. Farmers full of resentment at losing their farms or seeing commodity prices collapse were not lashing out in a blind rage by voting Social Credit. They were not attempting to hold back the clock and it is highly unlikely that they ever really bought the idea that the elimination of the Eastern financial interests would solve all their problems overnight. They were reacting with entirely human dismay at seeing that the values of hard work and decency were no protection against anything as massive as the Depression.

Albertans were members of a frontier community. In any frontier community there is a high premium placed on self-reliance, but in Alberta it was a self-reliance

cushioned by concern for one's neighbour. It is easy to misinterpret this strong sense of self-reliance if one does not see it within its cultural context of strong community. In the context of community it does not translate into a disregard of the weak and of those who cannot catch up. It does not translate into an unfettered race to be first at all costs. Rather it translates into community and group responsibility to encourage the best in others and free them from restraints which prevent them from achieving what they otherwise could. Social welfare legislation passed by the Social Credit was intimately connected with their concern for the individual. The government had been willing since 1937 to allow employees the right to organize and had seen organization as a strong weapon for employees to assert their rights. But as Manning himself has said, it was concern for the individual qua individual that led to this, and the desire that the individual be sufficiently empowered to protect his own interests.

> Economic insecurity is one of the things that circumscribe people, and so, going back to what I've said, those would be the areas where the government would assume responsibility. If we were going to put people in a position where this freedom of choice would be meaningful, then you had to do things which would try at least to enable them to have economic conditions that wouldn't circumscribe them too much. (1)

This concern for the individual attempting to assert himself within society is pure Douglas Social Credit. It cannot be forgotten that Douglas was vehemently opposed to mandatory group membership and it is likely that one lasting influence that Douglas had on Alberta Social Credit was his championing of the individual rather than the group. Legislation passed by the Alberta government tended at all times to be justified by the good effect it would have upon the individual. Attempts to influence the government towards ideological support of the trade union movement as such would necessarily be doomed. Presenting the idea as one which would free the individual would result in a much more favourable reception.

It is quite likely that the mythology of the government being anti-labour arose from this pro-individualist stance. Wherever possible the government favoured the individual over the group. They favoured the local community organization over the national or international one. They favoured those willing to meet as individuals and discuss their problems on a personal basis over those who insisted on formalized structures. The entire of the early history of the Board of Industrial Relations from its inception until well into the 1970s is notable for this insistence on personal relationships.

Insistence on personal dealings with people was one of the highlights of the government's enforcement mechanisms. The extent to which government officials would go to encourage compromise rather than confrontation, the miles logged by conciliators in

their attempts to settle disputes all tend to reinforce the idea that the government felt that if only people would sit down and really see each other, there was nothing that could not be accomplished. Much has been made of Mr. Aberhart's apparently authoritarian method of governing and what has been perceived as an excessively paternalistic style of management of the affairs of the state. But what may be true of Mr. Aberhart may not be true of Mr. Manning. Their styles were very different and it must be kept in mind that it was Manning who ran the Department of Trade and Industry for 10 years. Manning himself has said that Aberhart was much more likely than himself to try to impose his will on caucus, whereas Manning preferred to get people onside. Whether this was a style native to Manning or one he developed in his years at Trade and Industry is not certain but the Department bore his mark during his years there and remained that way. One can discern an intense desire on the part of the government that people respect one another and handle their disputes in a gentlemanly and rational fashion.

This intense concentration on compromise and settlement can of course be criticized as well. The government was reluctant to prosecute until they could see that all other avenues were closed off. This reluctance could allow employers to escape their obligations on a more or less continuous basis provided they were careful not to overstep the limits. The government's continual hands-on involvement might result in an effective emasculation of the trade unions themselves by never allowing them to take the full burden of their own disputes. Preventing industrial disputes also meant failing to give labour leaders any experience in resolving them. They were never really permitted to feel their full strength with the government always hovering about them. Criticisms were levelled at the trade union leadership of the 1940s that they were in the government's pocket and were mere obedient lapdogs. A certain amount of union complacency in the 1940s can be traced to the government's treatment of them which led them to believe that the government did in fact have their best interests at heart. The government was doing a fair bit of their work for them and wartime conditions led to a good deal less room to manoever for the unions, particularly in crucial areas such as wage settlements.

Criticisms of a too close relationship between the government and the unions can only result from an ideological stance which dictates the point of view that the government is a natural enemy. For many in the organized labour movement, any government aside from a Labour one is a natural enemy and amiable relations are naturally suspect. Amiable relations with the Social Credit who were solidly capitalist were therefore doubly suspect. The fact that there might be amiable relationships between the Social Credit and the business community meant that they must necessarily be

relationships inimical to the best interests of labour.

The Social Credit themselves believed that labour and management had substantial interests in common and were, rather than natural enemies, natural partners. They never took this as far as proponents of industrial democracy would have liked. When the Industrial Standards legislation failed to provide a template for group bargaining and group government of the working relationship, the Social Credit accepted that the idea would not work in Alberta. They also never latched on with any great enthusiasm to the ideas of Imperial Oil and others that there should be joint councils in the workplace to govern the employment relationship. Whether or not Manning was aware of the objections organized labour would have had to such an ouster of their authority, there is no doubt Manning was very cool to any idea that would remove government supervisory jurisdiction.

The practical effect of the Social Credit belief in the uniformity of interest between labour and management was the continuance of the practices that kept the two sides talking. Labour-management conferences were meant to deal with broader policy and legislative matters. They were an opportunity for the government to hear what both sides had to say about the government's performance in front of each other. They were meant to insure that both sides could see publicly what the other side was saying and how the government was responding. They were also opportunities for the major players to get to know each other. The Department of Trade and Industry continued to deal with the interests of both sides, deliberately forcing themselves to ensure that the interests of both were taken into consideration at all times. There would be no splitting of jurisdiction which could lead to disputes between departments.

Labour-management conferences and regular meetings between government and the other interested parties also illustrated the Socreds continued adherence to the idea of the expert. The government's role was to adjudicate the demands of the experts from either side and try out their proposals on the experts to see what effect they might have. The government was in constant receipt of submissions from all areas of labour and business. But they also heard from small individuals unaffiliated with any group, and on occasion it appears that these individual conversations had a greater effect upon them. After all, the formula is that the government is to ask the people what they want, and then go to the experts to get it. The people told the government to move cautiously in areas where labour demanded large changes, and it was the people to whom the government frequently listened.

The growth of Social Credit as an adjunct to a religious movement cannot be

disregarded. Aberhart came, in his later years of preaching just before he found Social Credit, to agree with the idea that Christianity should be in Arnold Toynbee's words, "clothed in flesh and blood". Concrete action was necessary to ensure that a Christian did his duty by God and by man. It was not enough to preach that action should be taken, it was necessary to take the reins of power and legislate action. If employers were content to leave their employees suffering and badly paid, then the government would step in and ensure it would not continue. If employers refused to recognize groups of employees who wished to stand up together for their own interests, then the government would make them stand face to face with their employees and talk. The duty of a Christian was not to stand in the way of those who sought to legitimately improve their lives, but to aid them with all the powers at their command. Into the hands of the individual would be delivered the keys to his own redemption.

The Social Credit never seemed to suffer from the naive belief that reason and harmony would always prevail once the facts were known. Perhaps as a result of their own savaging at the hands of the press and the city intellectuals during 1935, they realized that there were a large number of people who were simply deaf and blind to appeals to reason and fairness. Those people could be dealt with if necessary through the courts when reason failed.

Manning's own personality also comes into play when looking at the Social Credit. Manning was the Minister of Trade and Industry for nearly the whole period under study here and his own feelings on the subject were undoubtedly instrumental in creating both the legislation and the Department itself. He was and is an intensely religious man who never hid away his convictions but allowed them to permeate his actions. He was an activist Christian for whom faith alone would not be sufficient. Satisfaction came not just from faith, but from works.

> I can say, and I am sure it was true of him [Aberhart] that it was a Christian motivation that put us into politics. I had no desire to go into politics, and I know he didn't. And all the years I stayed in it, I never got to like politics in the political sense. I liked having the opportunity to do something, and the power to do something if you saw something that needed to be done and could be done, and trying to solve people's problems. ... my greatest satisfaction came from things that affected people. It was concern for people, and a desire to help solve their problems. (Emphasis in the original) (2)

Manning was also very young at the commencement of the Social Credit government and may have felt it necessary to make his mark as a man to be taken seriously, not merely Aberhart's lieutenant. Perhaps the intense activity at Trade and

Industry reflects the mind of a talented ambitious young man who needed to show in some way that he had truly earned his seat at the cabinet table. In any event, it was a good match of talent to need that Manning should arrive at exactly that time. As his later career was to show, he had the necessary political and diplomatic skills to initiate new programs without unduly alarming anyone.

The Social Credit was an interventionist government in the sense that they believed that legislation could solve problems. They believed the government had a legitimate role in regulating the labour market. Again and again, they rejected the notion that they should stay out of the market, all the while supporting free enterprise as the only acceptable method of running an economy. It is difficult to pinpoint any specific Act or action of the Social Credit government as proceeding out of some preset ideological theory with relation to labour. Perhaps it was to their immense advantage that they had no preset ideas. In that way, they could respond on an ad hoc basis to problems as they presented themselves. Having no philosophy on the subject, they could adopt the philosophy that best suited them at any given time.

Philosophical differences exist at many levels when it comes to labour legislation. There are those who would dispense with legislation altogether saying that the marketplace should adjust these matters as it does others in the economy. Such an approach is overly simplistic and overlooks the fact that there is such massive intervention in the marketplace already that intervention in the field of labour relations is just one more example and not the most extensive one. Those who do and have in the past attempted to argue that there should not be legislative interference with labour relations have obviously in mind some ideal of the marketplace where intervention would not be required. But has such an ideal ever existed? Legislative interference has a long history, and to be laissez-faire on this matter in the twentieth century would leave workers at the mercy of restrictive eighteenth and nineteenth century legislation which denied them any rights to organize or press for improvements in their workplaces. If one were truly laissez-faire, one would also admit that employers should be required to give up all those protections granted them by legislatures back to the 13th century. If freedom of action in the competitive marketplace is to mean anything, it must extend to both sides equally.

Once the necessity for some type of legislative interference is accepted, there is a great distinction between those who would argue for legislation providing minimum standards and basic protections and those who wish legislation freeing unions to be recognized and to bargain with employers. The preference for social welfare legislation

coincides with a more paternalistic view of labour relations and also with the demands of a Christian conscience, that there be some standards below which society will not be allowed to fall. A preference for this type of legislation exclusively would be to deny workers the right to gain these concessions from employers themselves, and allow them little say in their own affairs. If standards are set by the government, they are given and not fought for or earned. From the voluntaristic viewpoint of most American unionism, such concessions eventually weaken workers and leave them unable to defend themselves. Even leaving aside voluntarism, unionists would see exclusive social welfare legislation as a way of sidestepping them, making them redundant. Social legislation can be seen as a sop to shut people up, to satisfy them with easily won small gains rather than hard won large gains.

The Socreds straddle a fence here. In their practice, social welfare legislation and empowering union legislation progressed hand in glove. Social welfare legislation was not passed to pacify the majority of rank and file workers, it was passed to address a real need in areas of the province and parts of the workforce that were not (even to this day) unionized. The government recognized the ability of unions to take care of themselves and never as far as records disclose thought of themselves as acting in opposition to the interests of organized labour. They acted almost like a substitute union for the non-organized. In the Socred social welfare legislation can be seen also that attempt to do one's Christian duty. Socreds were not prepared to mouth anodyne cliches but were prepared to use the muscle of the government to enforce that concept of duty. They were never seriously open to any challenge as to the usefulness of this sort of legislation.

Socreds flirted with a few different ways of doing things - mostly inherited from the UFA. It is an impossible question as to whether they ever would have come up with this type of legislation themselves. While they believed in the commonality of interest of labour and management, would they have taken it as far as the Industrial Standards Act, or as far as the plans of W.L.McKenzie King? The Industrial Standards Act reeks of European industrial democracy and could have been the forerunner to such schemes in Alberta. But would the Socreds have thought it up themselves? The UFA were probably much better able to get an ideological handle on the inherent class assumptions of such a system.

The legislation the Social Credit government did pass was basically straighforward, common sense legislation to address the needs of Alberta. There was little in the way of specific ideological content but much in the way of pragmatic assistance to the working people of Alberta. Much legislation was undoubtedly passed to

assert a strong provincial presence in the labour field, an abiding concern of both the Social Credit and the subsequent Conservative Alberta government.

Alberta's governments since 1947 have continued a strong orientation towards the free market economy coupled with government intervention in key areas. Intervention in the field of labour relations has grown rather than lessened. There has been increasing unionization and union power in Alberta, but so too have there been serious restrictions on the right to organize and strike. Social Credit governments from 1947 to 1971 continued their basic preference for an informal, hands on, personal style of administering labour law, so much so that a Calgary Herald article on the Board of Industrial Relations in 1969 characterized the Board as "almost totally lacking in formality". Members, it was said, had little legal training and awards lacked finesse in legal concepts. This was, the article commented, "most likely the reason for its comparative success in dealing with labor [sic] disputes". (3)

Whether the individualistic and informal methods of the Social Credit government had any lasting impact in Alberta is not certain. The Conservative government that succeeded them engaged in a massive reform of the Labour Act in 1973. (4) More recently, the Conservatives abandoned the idea of the mutuality of interest between organized and unorganized workers by placing them under separate legislation and separate administration. (5) Social welfare legislation no longer appears to have the same basic purpose of providing a true minimum living wage. Some segments of the economy bargain now in group situations, where the legislation affecting them differs from other workers. (6) Many workers are forbidden to strike in essential service areas. (7) The idea of an umbrella law to govern all workers no longer exists. The complications of the system are far beyond what would have been thought possible in 1935. The Social Credit created the system of labour relations in Alberta, but it is unlikely that it is still recognizably their own.

NOTES

Frequent references will be made in the notes to members of the Alberta government or civil service. To avoid having to repeat names and titles, the following is a list of persons whose names will re-occur throughout the notes. References to these people will be by last name in the notes. Dates refer only to dates within the time frame of this thesis.

Aberhart, William - Premier of Alberta, 1935 - 1943; Attorney-General of Alberta, 1936 - 1943.

Adams, Clayton - Chairman, Board of Industrial Relations

Bishop, H.M. - Chief Factory Inspector, Factories Act

Frawley, J.J. - Solicitor, Attorney General's Department, 1935 - 1947.

Gaunt, R.J. - Solicitor, Department of Trade and Industry, 1935 - 1937; Secretary, Board of Industrial Relations, 1937- 1943.

Gerhart, Clarence Edgar - Minister of Trade and Industry, 1945 - 1947

Gray, William S. - Solicitor, Attorney- General's Department, 1935 - 1947; Legislative Counsel & Law Clerk of the Legislative Assembly, 1941 - 1947.

Hart, John E. - Solicitor, Attorney-General's Department

Henwood, George B. - Deputy Attorney-General, 1935 -

Hugill, John - Attorney-General, 1935 - 1937

King, W.D. - Deputy Minister of Trade and Industry, 1935 - 1947

Manning, Ernest, C. - Minister of Trade and Industry, 1935- 1944; Premier of Alberta, 1943 - 1947

Matheson, David - Labour member, Board of Industrial Relations

McClung, J.W. - Solicitor, Attorney-General's Department

Pugh, Kenneth - Inspector, Board of Industrial Relations

Rocke, H.P. - Chief Inspector, Board of Industrial Relations

Wilson, H.J. - Assistant Deputy Attorney-General

Several works and sources have been used repeatedly. To avoid lengthy notes, the following abbreviations have been used throughout the notes.

P.A.A.	Provincial Archives of Alberta
U.A.A.	University of Alberta Archives
Manning, UAA	Interview with Ernest C. Manning, University of Alberta Archives
Manning, PI	Taped Personal Interview with Ernest C. Manning, November, 1989
P.P.	Premiers' Papers, Provincial Archives of Alberta
L.G.	Labour Gazette, Canadian Department of Labour
A.-G. Files	Alberta Attorney-General's Files, Provincial Archives of Alberta, P.R.C. 79-106, P.R.C. 79-107, P.R.C. 79-289, P.R.C. 79-290

NOTES - Chapter One

1. Morton, W.L.; *The Progressive Party in Canada*, University of Toronto Press, Toronto, 1950, p. 292.
2. Elliot, David & Miller, Iris; *Bible Bill - A Biography of William Aberhart*; Reidmore Books, Edmonton, 1987, p. 121. Swankey, Ben; "Reflections of a Communist", Part I, Alberta History, Vol. 27, No. 4, Autumn 1979, p. 34. Irving, John A., *The Social Credit Movement in Alberta*; University of Toronto Press, Toronto, 1959, pp.247-248, 266.
3. Elliot & Miller, op. cit. p. 203.
4. The story is told and retold in many places, most notably in Elliot & Miller, op. cit., Johnson, L.P.V. & MacNutt, Ola; *Aberhart of Alberta*; Institute of Applied Art, Edmonton, 1970; and MacPherson, C.B.; *Democracy in Alberta: Social Credit and the Party System*, University of Toronto Press, Toronto, 1962.
5. Mardiros, Anthony; *William Irvine - The Life of a Prairie Radical*, James Lorimer & Company, Toronto, 1979, pp. 141 ff.
6. Irving, op. cit. p. 146.
7. Broadfoot, Barry; *Ten Lost Years; 1929-1939; Memories of Canadians who survived the Depression*, Doubleday Canada, Toronto, 1973.
8. Johnson, Myron; "The Failure of the CCF in Alberta: An Accident of History", in *Society and Politics in Alberta*, ed. Carlos Calderola, Methuen, Toronto, 1979, p. 95.
9. Elliot & Miller, op. cit.
10. MacPherson is especially to be admired for his dedicated attempt to unravel Douglas' ideas. See Chapters 4 and 5 of *Democracy in Alberta*, op. cit.
11. Irving, op. cit. pp. 228-229
12. MacPherson, op. cit. p. 101. Douglas did not even originally target banks. Only when he became acutely frustrated in his attempts to win converts did he begin compiling an "enemies list" starting with banks and Jewish financial interests and ending with such unlikely co-conspirators as Hollywood, Tin Pan Alley, the Knights Templar and Oliver Cromwell.
13. MacPherson, op. cit. pp. 94-95, 99.
14. Irving, op. cit. p. 120.
15. Elliot & Miller, op. cit. p. 301.
16. ibid. p. 142.
17. ibid, p. 251. MacPherson, op. cit. pp. 130 ff.
18. Douglas, C.H.; *Social Credit* (3d. ed.) Eyre & Spottiswoode, London, 1934, p. 17.
19. MacPherson, op. cit. p. 145. Although for an instructive look at a long-time Alberta MLA's agreement with Douglas on this point see James, N.B.; *Autobiography of a Nobody*; J.M. Dent & Sons, Toronto, 1947.
20. Douglas, C.H.; "The Social Crediter" (periodical) April 1, 1950, quoted in *The Development of World Dominion*, Bloxham & Chambers Pty. Ltd., Sydney, 1969.

21. Speech by Manning, April 1, 1947. Quoted in MacPherson, op. cit. p. 211.
22. Following the Second World War, Douglas became nearly hysterical in his preoccupation with trade unions and the rise in power of the Labour Party. Trade unions were called "a public danger" backed by "Satanic forces", "bandits", "deadly enemies of the decent citizen", "a tyranny on the general population" and involved in a conspiracy with the international banking and financial cartels "to fleece the public and ruin Great Britain". All quotes are from Douglas, *The Development of World Dominion*, and appeared originally in issues of "The Social Crediter", 1944 - 1950
23. Douglas, C.H.; *The Alberta Experiment*; Eyre & Spottiswoode, London, 1937, pp. 22-23.
24. Douglas, *Social Credit*, op. cit. p. 17.
25. ibid. pp. 19-20, 115.
26. Draft scheme for Scotland appears in appendix, ibid. pp. 210-211. This provision would also appear to have the effect of preventing individuals from changing their jobs at will.
27. ibid. p. 57.
28. See footnote 19.
29. Douglas, *Social Credit*, op. cit. pp. 112-113.
30. ibid, pp. 36-37.
31. ibid, p. 58.
32. ibid, p. 36. See also Douglas, *The Development of World Dominion*, op. cit. p. 124.
33. Elliot & Miller, op. cit. p. 121. See also the illustration on p. 41 showing a poster advertising an Aberhart lecture entitled "God's Great Solution to the Labour Problem".
34. ibid. p. 121.
35. Irving op. cit. pp. 247-248.
36. Douglas, *Social Credit*, op. cit. pp. 49-50.
37. ibid, pp. 35 et seq.
38. M.J. Coldwell of the CCF was of the opinion that Aberhart was a socialist but he just didn't know it. Aberhart himself in his correspondance with Coldwell gave some evidence for that point of view. Elliot & Miller op. cit., p. 114.
39. Douglas, *Social Credit*, op. cit. p. 147. "The character of the population, chiefly agricultural in interest and more than one-third of it drawn from German and Ukrainian farming and peasant stocks, renders it specially vulnerable to mass agitation and more inclined to accept the printed word and the radio speech at their face value without submitting them to the more cynical criticism of Anglo-Saxon civilizations." *The Alberta Experiment*, op. cit. p. 4.
40. MacPherson, op. cit. pp. 136 et seq.
41. This was a favourite saying of Aberhart enabling him to deflect criticism that he didn't really understand Social Credit himself. It was only one of a number of little homilies that he used throughout the 1935 election campaign outlined in Irving, op. cit. chapter 10.
42. Manning, Ernest C., UAA, Interview No. 8, pp. 12-13. Hooke, Alf. J., *30 + 5, I Know, I Was There*; Institute of Applied Art, Edmonton, 1971.
43. Manning, op. cit. Interview No. 8. Ackroyd, A.O., Personal Interview, April 1988.

44. Irvine, William; *The Farmers in Politics;* McClelland & Stewart, Toronto, 1920.
45. Aberhart speech in his home town of Edmondville, Ontario. *Calgary Herald*, September 16, 1935.
46. *Calgary Herald*, September 17, 1935.
47. Official Social Credit Election platform, 1935. Quoted in Hooke, op. cit. pp. 67-69.
48. Economic Safety League pamphlet, July, 1935. (Private Collection)
49. ibid
50. ibid
51. ibid
52. *Edmonton Journal*, August 15, 1935.
53. Swankey, Ben; "Reflections of a Communist", Part II; Alberta History, Vol 28, No. 4, Autumn, 1980, p.34.
54. Elmer Roper quoted in Elliot & Miller, op. cit., p. 203.
55. Morton, op. cit., p. 286.
56. See footnote 41.
57. Schmitter, Philippe C., "Still the Century of Corporatism?" in *Trends Towards Corporatist Intermediation*, ed. Schmitter & Lehmbruch, Sage Publications, London, 1979, p. 13. Comments here are directed towards traditional forms of corporatist thought and not necessarily towards neo-corporatism which is once again becoming of interest particularly in Europe.
58. As has been seen, the Social Credit Party was often accused of fascism and delving into this area might conceivably bring up those links again. This paper will not in any sense attempt a linkage between Social Credit and fascism and the author doubts whether there have ever been any legitimate grounds for alleging fascist sentiments against the leadership of the Social Credit Party. According to Schmitter, corporatism has been advocated by a phenomenal range of theorists ranging from radical syndicalists such as Georges Sorel to Social Christians such as Leo XIII to procapitalist reformers such as Lord Keynes. Schmitter, op. cit., p. 9.
59. Lehmbruch, Gerhard; "Liberal Corporatism and Party Government" in Schmitter & Lehmbruch, op. cit., p. 150. "... it is an institutionalized pattern of policy formation in which large interest organizations cooperate with each "intermediation") of interests but - in its developed form- in the "authoritative allocation of values" and in the implementation of such policies".
60. Only on two occasions in 36 years did the number of opposition members in the Alberta Legislature rise above 15% of the total. Even then, the seats were generally split among a number of parties with no party providing a strong opposition save only in 1955-1959 when the Liberals held 15 seats out of 61, only to lose all but one of them in the following election. *Society and Politics in Alberta*, Carlos Calderola (ed.), Methuen Press, Toronto, 1979. Appendix II, p. 373.

NOTES - Chapter Two

1. Statute of Labourers 23 Edw. III; 25 Edward III, stat. 1. Smith, Charles Manley, *A Treatise on the Law of Master and Servant*, 6th Ed., Sweet & Maxwell, London, 1906, p. lxxxv. "As villenage gradually declined, the interposition of the Legislature appears to have become necessary for the regulation of labourers and servants, who seemed to have been inclined to avail themselves of their freedom by remaining totally idle unless induced to work by high wages".
2. Statute of Labourers (1558) 5 Eliz.I, c. 4.
3. 53 Geo. III, c.40. See Smith, op cit. p. xc.
4. Batt, Francis Raleigh; *The Law of Master and Servant*, 4th Ed., ed. J. Crossley-Vaines, Sir Isaac Pitman & Sons, London, 1950, p. 18. Although, see Smith, op. cit. p.lxxxiii, wherein he quotes Puffendorf's *Law of Nature and Nations* (1716) in support of the viewpoint that servitude (including slavery) arises from the voluntary consent of the poor and helpless.
5. An Act To Prevent Unlawful Combinations of Workmen, 1799, 39 Geo. III c. 81
   An Act To Prevent Unlawful Combinations of Workmen, (Amended) 1800, 40 Geo. III c. 106
6. Masters and Servants Act (1867) 30 & 31 Vict. In Alberta, the Masters and Servants Act RSA 1922, c. 180, s. 4, continued the prohibition of unauthorized absentiism or refusal to follow directions, making a workman subject to a fine and or imprisonment. This section (which became s. 5 in RSA 1942, c.136) was not repealed until 1954.
7. Combination Law Repeal Amendment Act, 6 Geo. IV c. 129
8. Molestation of Workmen Act, 1859, 22 Vict. c.3
9. Trade Union Act, 1871, 34 &35 Vict. c. 31
10. Crysler, Alfred C., *Handbook on Canadian Labour Law*, Carswell, Toronto, 1957, p. 129.
11. Criminal Law Amendment Act, 1872, 34 & 35 Vict. c. 32
12. Conspiracy and Protection of Property Act, 1875, 38 & 39 Vict. c. 86 13. Woods, H.D. & Ostrey, Sylvia, *Labour Policy and Labour Economics in Canada* , Toronto: MacMillan of Canada, 1962, p. 35. The legal opinion in question was that of R.A. Harrison, Q.C., obtained by a printers' union at the time of their strike in 1872.
14. Nor, of course, had Alberta attained provincial status, being at that time a part of the North West Territories.The first union to appear in Alberta was a branch of the Brotherhood of Locomotive Engineers in 1886. Warren Caragata, *Alberta Labour*, James Lorimer & Company, Toronto, 1979, p. 9.
15. The Trade Unions Act (1872), 35 Vict. c. 30 (Can.)
16. Criminal Law Amendment Act, (1872) 35 Vict. c. 31 (Can.)
17. Trade Union Act, supra, s. 5
18. Criminal Law Amendment Act, (1875), 38 Vict. c. 39 (Can.); (1876) 39 Vict. c. 37 (Can.)
19. (1876) 39 Vict. c. 37, s. 2.

20. Breaches of Contract Act, (1877), 40 Vict. c. 35
21. The Criminal Code, 1892, 55-56 Vict. c. 29, s. 517
22. ibid, see s. 523. Not until 1934 would the protecting definition return to the Criminal Code.
23. Taff Vale Railway v. Amalgamated Society of Railway Servants [1901] A.C. 426
24. Woods & Ostrey, op. cit. p. 36.
25. (1908) 8 W.L.R. 649 (Alta.) at p. 650. See also Williams et al. v. Local Union No. 1562 U.M.W.A. [1919] 3 W.W.R. 828 (S.C.C.)
26. U.M.W.A. v. Strathcona Coal, supra, p. 653.
27. [1925] 3 W.W.R. 32 (P.C.)
28. ibid at p. 39-40
29. [1931] 1 W.W.R. 49 (P.C.)
30. ibid at p. 53-54
31. ibid
32. Trades Arbitration Act, (1873), 36 Vict. c. 26 (Ont.); Trades Disputes Act, (1894), 57 Vict. c.42 (Ont.)
33. The Mines Arbitration Act (1888), 51 Vict. c.3 (N.S.)
34. Labour Conciliation and Arbitration Act, (1894), 57 Vict. c. 23 (B.C.)
35. The Trades Disputes Act (1901) 1 Ed. VII, c. 31 (Que)
36. Woods & Ostrey, op. cit., p. 43
37. R. v. Ruttka [1918] 2 W.W.R. 788 (Alta. S.C.)
38. ibid at p. 790-791
39. ibid at p. 789-790
40. Industrial Disputes Investigation Act (IDI), (1907), 6 & 7 Ed. VII, c. 20 (Can.)
41. ibid s. 56
42. [1925] A.C. 396; 1 W.W.R. 785
43. An Act to Amend the Industrial Disputes Investigation Act, 1907, (1925) 15 & 16 Geo. V, c. 14.
44. ibid s. 2A
45. Labour Disputes Act S.A. 1926 c. 53
46. ibid s. 7
47. ibid s. 60
48. ibid s. 61
49. ibid s. 10(3)
50. ibid s. 8(2)
51. ibid s. 2(l)
52. ibid ss. 38-40
53. ibid s. 2(c)
54. ibid s. 2(e)
55. The Industrial Disputes Investigation Act (Alberta), 1928. S.A. 1928, c. 42
56. Labour Disputes Act, s. 30
57. ibid, s. 2(dd)
58. Factories Act, S.A. 1917, c. 20; Factories Act, 1926, S.A. 1926, c. 52
59. (Female) Minimum Wage Act, S.A. 1925, c. 23
60. Labour Disputes Act, supra
61. Department of Trades and Industry Act, S.A. 1934, c. 33
62. Industrial Standards Act S.A. 1935, c. 47.

63. Coal Mines Regulation Act, S.A. 1930, c. 24; Public Service Act, R.S.A. 1922, c. 7; Police Act, R.S.A. 1922, c. 82; Fire Departments Two Platoon Act S.A. 1924, c. 38; Firefighters Hours Of Work Act, S.A. 1924, c. 37.
64. Lorentsen, Edith & Woolner, Evelyn, "Fifty Years of Labour Legislation in Canada", in *Readings in Canadian Labourr Economics*, (ed. A.E. Kovacs), McGraw Hill, Toronto, 1961, p. 103. Also, Labour Gazette,1918, p. 886.
65. Edmonton Morning Bulletin, April 2, 1917.
66. L.G. 1918, p. 886.
67. ibid. p. 884.
68. ibid p. 49.
69. Edmonton Morning Bulletin, April 2, 1917.
70. supra, n. 58
71. ibid s. 20(1)
72. ibid s. 20(3)
73. ibid ss. 42-45
74. ibid s. 15
75. Factories Act Amendment Act, S.A. 1920, c. 40.
76. Minimum Wage Act S.A. 1922, c. 81
77. Ibid, s. 6
78. Firefighters Hours of Work Act S.A. 1924, c.37, s.2.
79. Fire Departments Two Platoon Act S.A. 1924, c. 38, s.2
80. Coal Mines Regulation Act S.A. 1930, c. 24
81. ibid s. 7
82. ibid s. 11, 13
83. ibid s. 27
84. Firefighters and police officers did not have the right to bargain collectively until 1953.
85. Public Service Act, R.S.A. 1922, c. 7, s. 23 allowed for this.
86. Department of Trades and Industry Act S.A. 1934, c. 33.
87. National Industrial Recovery Act, (NIRA) 48 Stat. 195 (1933) U.S.
88. Dept. of Trade and Industry Act, supra, s. 5.
89. Industrial Standards Act, S.A. 1935, c. 47
90. Dept. of Trade and Industry Act, supra, s. 5
91. ibid s. 19
92. ibid s. 20
93. National Labor Relations Act (NLRA or Wagner Act), 49 Stat. 449 (1935) U.S.
94. NIRA, supra, n. 87
95. Schecter Poultry Corp. et al. v. Ryan et al. (1935) 293 U.S. Reports 388 (U.S.S.C.)
96. NIRA, supra, n. 65, s. 7(a)
97. An Act to Amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (Norris-LaGuardia Act) Stat. 90 (1932) U.S.
98. Horowitz, Ruth, *Political Ideologies of Organized Labour*, Transaction Books, New Brunswick, New Jersey, 1978, pp. 111-113
99. NLRA s. 1
100. ibid s. 8
101. ibid s. 10

102. ibid s. 8
103. ibid s. 9
104. Swankey, "Reflections of a Communist", Part I, op. cit., p. 8
105. ibid
106. Woods & Ostrey, op. cit., p. 50
107. Swankey, op. cit. Part II, p. 30.
108. Caragata, op. cit., pp. 96 et seq. Jack K. Masson & Peter Blaikie, "Labour Politics in Alberta" in *Society and Politics in Alberta*, ed. Carlos Caldarola, op. cit., pp.271-283 .
109. Horowitz, op. cit., p. 31
110. ibid p. 184
111. ibid. p. 31
112. ibid, p. 34
113. Kenneth O'Reilly, *Hoover and the Un-Americans*; Temple University Press, Philadelphia, 1983, p. 17. FBI interest in labour unions intensified as the years went on, and probably the massive anti-communist "witch-hunts" in both the AFL and later the CIO were directly inspired by the FBI or carried out in response to fears of FBI investigations. There is also some argument to be made that the FBI influenced or directed the policy objectives of the American labour movement in directions that would accord with the FBI's own sentiments. "... the role of the FBI in the evisceration of the American labor movement cannot be ignored." O'Reilly, p. 175.
114. Horowitz, op. cit. p. 59
115. ibid, p. 65
116. ibid, pp. 224 ff.
117. Alberta was particularly strong in this, both Edmonton and Calgary having elected Labour mayors and city council members. Myron Johnson, "The Failure of the CCF in Alberta", in Calderola, op. cit., p. 92.
118. Horowitz, op. cit., pp. 36 et seq.
119. See for example Masson & Blaikie, op. cit., p. 271; Caragata, op. cit. p. 18. The first major pieces of Dominion labour legislation were both passed in response to strikes in these areas: The Railway Labour Disputes Act of 1903 in response to the Canadian Pacific trackmen's strike of 1901, and the Industrial Disputes Investigation Act of 1907 in response to the Lethbridge Coal strike of 1906. Woods & Ostrey, op. cit., p. 50.

NOTES - Chapter Three

1. E.C. Manning, Interviews, (UAA), Interview No. 1, p. 20.
2. Department of Trades and Industry Act,S.A. 1934, c. 33
3. Manning, UAA, Interview No. 3, p. 27
4. Manning, UAA, Interview No. 1, p. 16
5. Premiers Papers (PP), PAA File 921A
6. ibid
7. O.C. 1549-36
8. O.C. 471-36
9. O.C. 1552-36, O.C. 472-36
10. See note 95, Chapter Two.
11. PP, File 921A. Alvin Finkel maintains that the codes were greeted warmly by small businesses, but attacked by large firms. *The Social Credit Phenomenon in Alberta*, University of Toronto Press, Toronto, 1989, p. 44. The records would seem to indicate otherwise, that in fact, small busineses found themselves most inconvenienced.
12. Manning, UAA, Interview No. 1, p. 16
13. E.C. Manning, P. I., November 1989.
14. PP, File 921A
15. Industrial Standards Act, S.A. 1935, c. 47
16. Collective Labour Agreements Extension Act, S.Q. 1934, c. 56
17. Industrial Standards Act, s. 9
18. Ibid
19. Ibid, s. 16
20. ibid, s. 18
21. O.C. 945-35
22. Industrial Standards Act, s. 2(a)
23. Manning PI
24. According to the Alberta Gazette, 24 schedules were agreed upon in 1938, 22 in 1939 and only 11 in 1940, the numbers dropping off to only a handful per year thereafter.
25. Conservative Labour Minister, Bert Hohol, Alberta Hansard, May 1, 1973, at p.51-2707, in tabling of 1973 Alberta Labour Act.
26. S.A. 1938, c. 56
27. Ibid
28. For example, there were in existence at one point three different definitions of "trade union" or "organization or association of employees". The Labour Disputes Act, s. 2(l), The Freedom of Trade Union Association Act, s. 2, and The Industrial Standards Act, s. 2(a).
29. Alberta Labour Act, S.A. 1947, c. 8
30. The facts in this case are taken from the judgement of the Alberta Court of Appeal in Wright v. Calgary Herald [1938] 1 W.W.R. 1.
31. ibid p. 5
32. PP File 929
33. PP, Hugill to Aberhart, October 3, 1935, File 929
34. PP, Hugill to Aberhart, October 17, 1935, File 929

35. Industrial Conciliation and Arbitration Act S.A. 1938, c. 57, s. 2.
36. ICA Act, s. 2(1)(d)
37. Labour Disputes Act, s. 17(1)(b)(ii)
38. Elliot & Miller, op. cit., p. 182.
39. Wright, supra
40. ibid, p. 9
41. Caragata, op. cit., p. 121.
42. Elliot & Miller, op. cit., p. 232
43. Caragata, op. cit., p. 121
44. Elliot & Miller, op. cit., p. 180-181. It is not strictly accurate to say that the Social Credit Party or Aberhart owned the Calgary radio station CFCN from which Aberhart broadcasted his weekly services, although to critics it appeared to amount to the same thing. The Calgary Prophetic Bible Institute of which Aberhart was head held an $8,000.00 mortgage on the station.
45. "An Act to Ensure the Publication of Accurate News and Information", S.A. 1937 (3d), Bill 9.
46. Manning PI
47. Murdoch (or Murdock) Clark was a member of the Communist Party active in Alberta, and a Communist Party candidate for the legislature in 1935 in the riding of Drumheller. In 1933, he was convicted of unlawful assembly and sentenced to six months hard labour for his role in the Hunger March of that year. See Ben Swankey, "Reflections of a Communist", Part II, op. cit. Letters in his defence came from the Labour Defence League, the Czechoslovak Workers Club, the Cadomin Local Union. PP File 1227
48. then s. 454 Criminal Code
49. See for example letters from the Lithuanian Workers and Farmers Club, and the Central Committee of Beetworkers Union. PP File 929
50. Manning PI
51. Caragata, op. cit., p. 126; AG Files, PAA, PRC 79-106, Item 225.
52. Caragata, op. cit., p. 126
53. AG Files, Item 225
54. AG Files, Baynes to Henwood, Letter dated January 20, 1938
55. AG Files, Henwood to Baynes, Letter dated January 22, 1938
56. AG Files, Item 225
57. AG Files, King to Henwood, Letter dated February 10, 1938
58. AG Files, Report of W.F.W.Hancock, Officer Commanding "K" Division, RCMP, March 9, 1938. Caragata identifies Thompson as an organizer for the International Woodworkers of America, affiliated with the CIO. Note that Caragata errs when he identifies Carl Berg as one of the individuals involved in this action. There was a union official working for the CIO by the name of Ole Berg. It would have been highly strange if Carl Berg, a national vice-president for the TLC were to be a paid organizer for the CIO. Caragata, op. cit., p. 126.
59. Caragata, op. cit., p. 127
60. PP File 929
61. Caragata, op. cit., p. 119
62. Ibid

63. PP File 924
64. PP File 929
65. Caragata, op. cit., p. 119
66. ibid
67. Labour Disputes Act, S.A. 1926, c.53, s. 2(c)
68. Ibid
69. PP File 929
70. Industrial Conciliation and Arbitration Act (ICA), S.A. 1938, c. 57, s. 2(c)7
71. Hours of Work Act, S.A. 1936(2d), c. 5, s. 3
72. Male Minimum Wage Act (MMW), S.A. 1936, c. 76, s. 3(2)
73. Freedom of Trade Union Association Act (FTUA), S.A. 1937, c. 75
74. ICA Act, supra
75. Ibid. The right of organization contained in s. 4 applied to "employees" which by definition, farm workers were not. However, Manning seems to have been of the opinion that they still possessed the right to organize and request voluntary recognition. This position was expressed in a letter to Aberhart on December 22, 1938. PP File 924
76. Alberta Labour Act Amendment Act, S.A. 1968, c. 51, s. 4
77. [1938] 3 W.W.R. 647
78. ibid
79. R.S.A. 1980, c. I-2
80. S.A. 1988 c. E-10.2
81. As was the case also in Alberta. See for example Ontario Factories Act, R.S.O. 1937 c. 194.
82. Minimum Wage Act (Sask.) R.S.S. 1940 cap. 310
83. Hours of Work Act (B.C.) R.S.B.C. 1936 c. 122; Hours of Work Act (Man.) R.S.M. 1954 cap. 119.
84. R.S.B.C. 1936 c. 92, s. 71
85. Factories Act (Man.) R.S.M. 1940 cap. 69, s.2
86. Reference here is to the model act proposed by the Trades and Labour Congress passed in moderately amended form by Alberta, Saskatchewan and Nova Scotia.
87. Manning, Interviews, UAA, Interview No. 19, p. 32.
88. P.C. 1003 (1944), s. 2(1)(f)(ii) excluded persons involved in domestic service, agriculture, horticulture, hunting or trapping, essentially the same exclusions as Ontario at the time.
89. PP File 930
90. PP Files 827A, 681A, 929, 924
91. PP File 827A. Nova Scotia passed a much more extensive act the same year. Trade Union Act, S.N.S. 1937, c. 6. This act imposed a positive duty upon employers to bargain collectively with their employees.
92. PP File 930
93. PP File 924
94. FTUA Act, supra, s. 2
95. ICA Act, supra, s. 2(j)
96. Alberta Labour Act 1947, s. 57(1)(i) contained the definition of a trade union as an organization of employees formed for the purpose of regulating relations between employers and employees and s. 45(a) of Part IV Industrial Standards contained the definition of association of employees.

97. In the 1947 Alberta Labour Act, interference with a trade union was an unfair labour practice, but an employer dominated union could still be certified as a bargaining agent. Interference was forbidden only with a trade union (s. 63) and not necessarily with any other organization or association which could just as easily become certified as a bargaining agent under s. 45
98. FTUA Act, s. 6(2)
99. PP File 930
100. Ibid
101. Ibid
102. Criminal Code Amendment Act, (1934), 24-25 Geo. V, c. 47, s. 12. (Can.)
103. See note 14
104. ICA Act supra, s. 12
105. Ibid, s. 2(e)
106. PP File 930, Manning, UAA, Interview No. 4, p. 14
107. MMW Act, supra, n. 51
108. Hours of Work Act, supra, n. 50
109. MMW Act, s. 8(2)
110. Ibid, s. 17
111. Ibid, s. 19
112. Hours of Work Act, supra, s. 5
113. Ibid, s. 6
114. Ibid, s. 7
115. ibid, s. 8
116. PP File 828A
117. Manning, UAA, Interview No. 1, p. 17
118. Ibid, pp. 18-19
119. Manning, UAA, Interview No. 4, p. 15
120. Woods & Ostrey, 1st Ed. op. cit. p. 94.
121. Hours of Work Act, supra, s. 4(1)
122. ibid, s. 11
123. (Male) Minimum Wage Act, S.A. 1936, c. 76, s. 5(2)
124. ibid
125. Hours of Work Act, supra, s. 15
126. (Male) Minimum Wage Amendment Act, S.A. 1938, c. 58, s. 3
127. Hours of Work Act, supra, s. 9
128. ibid, s. 15
129. Board Order No. 1, O.C. 1109-37, September 24, 1937.
130. The Canadian Manufacturers' Association complained to the BIR in a letter of June 28, 1939, that minimum wages were too high especially for young men. They sent a comparative table showing Alberta's rate for 19 year olds as 33 1/3¢ per hour compared to Ontario at 26¢, British Columbia at 30¢, Saskatchewan at 15 2/3¢ and Manitoba at 16 2/3¢. PP 928A.
131. See for example O.C. 1248-37, October 26, 1937, as amended; O.C. 576-38, May 17, 1938; O.C. 1456-38, November 23, 1938.
132. Cannery workers were likewise given special board orders so as not to confuse them with farm workers. Board Order No. 21, O.C. 926-42, July 2, 1942.
133. S.A. 1936, c. 91, s. 8(m)
134. O.C. 110/36

135. AG Files, Item 218
136. Ibid
137. ibid
138. ibid
139. ibid
140. ibid, R. v. Wong Pond (1937) unreported
141. ibid
142. Minimum Wage Act, s. 11
143. AG Files, R. v. Wong Pond, transcript of the trial.
144. Masters and Servants Act, R.S.A. 1922, c. 180 s. 5.
145. AG Files, Letter dated January 11, 1944, to Deputy Clerk of the Court, Vegreville.
146. ibid, Frawley to King, August 25, 1938.
147. ibid, Frawley to King, October 16, 1940.
148. ibid, also PP File 928B
149. AG Files, Frawley to King, August 25, 1938
150. Forgues v. Fahler School District [1938] 3 W.W.R. 647.
151. Manning, UAA, Interview No. 8, p. 7.
152. ibid, p. 10
153. ibid, Interview No. 11, p. 11.
154. ICA Act, s. 5(1)
155. ibid, s. 2(d)
156. Labour Disputes Act, s. 2(e)
157. ICA Act, s. 11
158. ibid, s. 48
159. ibid, s. 2(1)(j)
160. ICA Act Amendment Act, S.A. 1944, c. s. 1(f)
161. ICA Act, s. 5
162. ibid, ss. 5 & 7(1)
163. ibid, s. 7(2)
164. ibid, ss. 9 & 10
165. ibid, s. 11
166. ibid, s. 13
167. ibid, s. 20
168. ibid, s. 45
169. ibid, s. 46(1)
170. ibid, 47(1)
171. PP File 930
172. Department of Trade and Industries Amendment Act, S.A. 1948, c. 25. This act amended the name of the Department to the Department of Industries and Labour. It was not renamed the Department of Labour until 1970.
173. Caragata, op. cit., p. . The fact that labour legislation was debated by the House Agricultural Committee was also sometimes referred to as showing some evidence of how little attention was really paid to labour matters. This tradition was one established by the UFA government and they had used the Agricultural Committee to hear Major Douglas's economic theories when he had been in Alberta. Quite major matters were regularly referred to that committee. It also should be noted that the Agricultural Committee was a committee of the Whole House and therefore had an importance that its name might not otherwise indicate.
174. Manning PI

175. See for example LG 1938 pp. 165-166. Also, AFL memo, December 1937, PP 930.

176. Aberhart to UMWA, March 3, 1939, PP 1227. This letter has also been the subject of comment by Alvin Finkel, in *The Social Credit Phenomenon in Alberta*, University of Toronto Press, 1989, p. 68-9, and p. 240. Finkel cites the letter as proof that the government (or at least Aberhart) regarded the proposing of legislative change by organized labour as "presumptuous meddling", and refers to the letter as a "blistering attack". The yearly meeting between the government and the Alberta Federation of Labour was well established by this time as being a pre-Socred tradition. The Social Credit government had altered the formality of the meeting in one crucial way. Since 1937, the meeting had taken place in December at the latest rather than February or March in order to give the government opportunity to study the proposals of the AFL with a view to initiating them. See AFL memo, December, 1937, PP 930.

177. Aberhart to UMWA, PP 1227.

178. Irvine, quoted in Masson & Blaikie, op. cit., p. 274.

179. ibid, p. 278, table 2.

180. Manning PI

NOTES - Chapter Four

1. War Measures Act, R.S.C. 1927, c. 206 declared in effect, Sept. 3, 1939, P.C. 2516.
2. LG 1939, pp. 883-84, pp. 894-895.
3. P.C. 3495, Nov. 7, 1939.
4. Jamieson, Stuart; Task Force on Labour Relations - Study No. 22. *Times of Troubles: Labour Unrest and Industrial Conflict in Canada*, Privy Council Office, Ottawa, 1968, p. 278.
5. ibid p. 279 et seq.
6. Speech of Dr. Bryce M. Stewart, Deputy Minister of Labour, reported in Labour Gazette, July, 1941, p. 800.
7. ibid, p. 278-79.
8. Jamieson, op. cit., p. 292.
9. ibid., p. 280. The number of strikes in Canada in 1943 was 402 compared with 298 in 1919, and the number of workers involved was 218,000 as compared with 139,000 in 1919. Those numbers were not to be reached again until 1966.
10. P.C. 2685, June 19, 1940.
11. P.C. 1708, March 10, 1941.
12. Jamieson, op. cit., p. 287.
13. ibid, p. 293.
14. P.C. 7307, Sept. 17, 1941, s. 5.
15. Labour Gazette, Jan. 1942, p. 33.
16. Jamieson, op. cit., p. 282
17. ibid, p. 279-80.
18. ibid
19. P.A.A., PP File 928A
20. ibid
21. PP File 1227
22. Industrial Conciliation and Arbitration Act
23. AG Files, PRC 79-106, Item 225
24. ibid, Letter from W.D. King to Frawley, Dec. 31, 1941.
25. Industrial Conciliation and Arbitration Act, s. 5(1)
26. A-G Files, Gray to King, March 26, 1943.
27. Cumberford v. Thryso [1941] 1 WWR 490
28. ibid at p. 495
29. Industrial Conciliation and Arbitration Act, s. 2(1)(j) "Organization" includes but is not limited to trade unions.
30. Alberta Labour Act, S.A. 1947, c. 8, s. 63
31. Imperial Oil made a submission to the National War Labour Board in June, 1943, copies of which were sent to all Regional War Labour Boards including the Alberta Board of which Mr. Manning was a member. PP 924
32. It is not possible to go into the various forms of industrial democracy which resembled in some sense this scheme of Imperial Oil. The reader is referred to the vast literature on the subject of industrial democracy.
33. PP 924

34. PP 826
35. ibid
36. ibid
37. ibid
38. PP 928B
39. PP 924
40. Caragata, op. cit., pp. 87-89.
41. ibid, p. 128.
42. ibid, p. 129.
43. ibid
44. L G, 1944, p. 582.
45. Caragata, op. cit., p. 130
46. LG 1944, p. 5, Minority Report of Rev. Foran.
47. It is not precisely clear under what authority Dominion jurisdiction was extended to the meatpacking industry at this time, although all commentators both at the time and subsequently refer to P.C. 3495 as amended by P.C. 1708, which extended Dominion authority into essential war industries. Theoretically there ought to have been some declaration that meatpacking was an essential industry prior to the IDI Act being considered to apply. Such a declaration has not been found. Neither has any declaration removing meatpacking from Dominion control somewhat later in the year which must have also occurred in order to give full authority back to the Provincial government in September. Both the Labour Gazette at the time and subsequent commentators refer to P.C. 4020 as authority for the Board of Conciliation that was set up to handle the meatpacking dispute, but P.C. 4020 could by its own terms only apply to those industries already under the authority of the IDI Act. Also the operation of P.C. 4020 was suspended immediately upon the coming into effect of P.C. 1003 which occurred on February 17, 1944. The meatpacking dispute was handled in the first instance under the IDI Act notwithstanding that that act had ceased to be operative by the time the report came out. It is interesting to note that meatpacking was never dealt with under P.C. 1003, even in later disputes in 1945 and 1946. See Jamieson, p. 305.
48. Labour Gazette, 1944, pp. 479-80.
49. ibid, p. 619.
50. Labour Gazette, 1944, pp. 992-998.
51. ibid
52. PP 921B
53. Caragata, op. cit., pp. 131-132
54. Labour Gazette, 1944, pp. 1484-86.
55. Caragata, op. cit., p. 131.
56. P.C. 6481, October 12, 1945. Hansard, Friday, October 12, 1945.
57. Caragata, op. cit., p. 132.
58. Alberta Labour Act Amendment Act, S.A. 1948, c. 76, s. 88
59. Jamieson, op. cit., pp. 283-84.
60. Labour Gazette, 1944, p. 135.
61. ibid
62. PP 921B
63. ibid
64. Industrial Conciliation and Arbitration Act Amendment Act, S.A. 1944, c. 69.

65. Woods & Ostrey, op. cit., p. 81.
66. PP 921B
67. ibid, Mr. Charles Daly, Ontario Minister of Labour to Manning, April, 1944.
68. PP 826, CMA to Manning, March 16, 1944.
69. ibid, Manning to CMA, March 17, 1944.
70. P.C. 1003, ss. 8(1), 10(2).
71. ICA Amendment Act, S.A. 1944, c. 69, s. 3.
72. ibid
73. P.C. 1003, s. 5(1)
74. ibid, s. 5(2)
75. ibid, s. 5(5)
76. ibid, s. 5(4)
77. ICA Amendment Act, s. 3.
78. British Columbia, An Act to Amend the Industrial Conciliation and Arbitration Act, S.B.C. 1943, c. 28, s. 5(9); Ontario, An Act to Provide for Collective Bargaining, S.O. 1943, c. 4, s. 13(5)(a).
79. AG Files, Gray to Thomas Garside, Edmonton City Solicitor, July 26, 1943.
80. ICA Act, s. 5.
81. AG Files, Gray to King, November 20, 1943.
82. P.C. 1003, s. 5(4)
83. ibid, s. 10(2); ICA Act Amendment Act, S.A. 1944, c. 69, s. 1.
84. ICA Act Amendment Act, S.A. 1943, c. 36, s. 5a (3).
85. See note 83 supra.
86. P.C. 1003, s. 21; ICA Act s. 46.
87. P.C. 1003, s. 8(1).
88. ibid, s. 18
89. In 1947, such a term was added.
90. ICA Act s. 46; IDI Act, s. 63.
91. P.C. 1003, ss. 19, 20; C.C. s. 502A.
92. P.C. 1003, s. 19(1)
93. ibid, s. 20(3)
94. Alberta Labour Act Amendment Act, S.A. 1948, c. 76.
95. ICA Amendment Act, S.A. 1944, c. 69, s. 48a.
96. Jamieson, op. cit., p. 294
97. LG, March 1944, March 1945.
98. ibid, March 1944.
99. LG, 1944, pp. 326 et seq.
100. LG, March 1945.
101. LG, March 1946, pp. 376-389.
102. LG, March 1945

NOTES - Chapter Five

1. PP 921B, Charles Daly, Ontario Minister of Labour to Manning, April [date blurry] 1944.
2. PP 1356B
3. PP 921B
4. [1951] S.C.R. 31; [1950] 4 D.L.R. 369. (S.C.C.)
5. Woods & Ostrey, op. cit., p. 82.
6. I.C.A. Amendment Act S.A. 1944 c. 69.
7. AG Files, Mr. F.E. Harrison to King, April 27, 1938.
8. ibid, Gray to King, May 5, 1938.
9. ibid, King to Henwood, October 5, 1937.
10. ibid, McClung to King, October 20, 1937.
11. [1937] A.C. 326 (P.C.); [1937] 1 D.L.R. 673.
12. AG Files, McClung to King, November 16, 1937.
13. [1936] 3 D.L.R. 673 at p. 688-89.
14. [1937] 1 D.L.R. 673 at p. 681.
15. [1925] S.C.R. 505 (S.C.C.)
16. [1937] 1 D.L.R. 673 at p. 682-83
17. AG Files, Gerald Brown to King, January 6, 1941.
18. ibid, Frawley to Manning, October 22, 1941.
19. ibid
20. ibid, King to Gray, January 6, 1941.
21. S.A. 1942, c. 15.
22. I.C.A. Amendment Act S.A. 1941 c. 20.
23. I.C.A. Amendment Act S.A. 1943 c. 36.
24. I.C.A. Amendment Act S.A. 1944 c. 69.
25. Every province save only Alberta and Prince Edward Island had entered into such Dominion -Provincial agreements. LG 1944.
26. AG Files, February, 1946.
27. See Chapter Four.
28. AG Files, King to Gray, February 19, 1945.
29. ICA Act Amendment Act, S.A. 1944, c. 69, s. 48a.
30. AG Files, King to Gray, February 19, 1945.
31. ibid, Gray to King, April 19, 1945.
32. ibid, King to Justice G.B. O'Connor, Chairman, National Wartime Labour Relations Board, April 24, 1945.
33. ibid, O'Connor to King, May 1, 1945.
34. ibid, King to Gray, June 29, 1945.
35. ibid, G.S. Rutherford, Manitoba Legislative Counsel, to Gray, January, 18, 1946.
36. ibid, Gray to Rutherford, January 22, 1946.
37. ibid, King to Frawley, September 16, 1946.
38. ibid
39. ibid
40. ibid, Frawley to King, October 10, 1946.
41. Manning PI.

42. See Caragata,op. cit., p. 140-141; Finkel, op. cit., p. 68-69, pp. 90 et. seq.; & Barr, John; *The Dynasty - The Rise and Fall of Social Credit;* McClelland & Stewart, Toronto, 1974, p.137. Finkel is particularly withering about the close relationship between the government and organized labour suggesting that much of labour's support derived from shared motives of jingoism and fear of the Communist smear. (pp. 91, 94) Finkel, unfortunately, tries to have it both ways, taking anti-government sentiments as invariably accurate statements of labour's attitudes towards the government, (see eg. pp. 68-69) and pro-government statements as being unrepresentative. (see eg. pp. 91-95)
43. P.P. 1227. This was not even the most fulsome praise the government received. In 1943, the Edmonton Trades and Labour Council wrote to Aberhart to "convey to you the very sincere appreciation of our organization for the progressive attitude shown, and actually taken, by your government regarding social and labour legislation that is of so much importance to the workers." The legislation "proves your government to possess ... fairness and courage...". PP 826 Even Aberhart's old enemy, Carl Berg, was quoted in 1944 campaign literature as saying "Alberta is singularly fortunate in having a government that has done more for and with labour than any other government in Canada". Quoted in Finkel, op. cit., p. 91.
44. P.P. 826
45. P.A.A. 75.490, Item 1-06.2, Box 1
46. ibid
47. P.P. 1356B
48. ibid
49. P.P. 928 B, 930.
50. Alberta Labour Act S.A. 1947 c. 8
51. Woods & Ostrey, op. cit., p. 94.
52. ibid, p. 95 .
53. Manning PI.
54. ibid.
55. ibid.
56. Alberta Labour Act, s. 57(1)(i)
57. ibid ss. 59(7), 80(7), & 81(4)
58. ibid s. 11
59. ibid s. 22
60. ibid ss. 24(9) & (6)
61. ibid s. 26
62. ibid s. 28
63. ibid s. 43
64. ibid s.52
65. ibid s.45(a)
66. ibid s. 57(1)(i)
67. ibid s. 63
68. ibid
69. ibid s. 59(4)
70. ibid s. 59(7)
71. ibid s. 59(9)
72. ibid s. 59(10)
73. ibid s. 61(2)
74. ibid s. 61(3)
75. ibid s. 63

76. ibid s. 83
77. ibid s. 88
78. Alberta Labour Act Amendment Act S. A. 1948 c. 76
79. Alberta Labour Act S.A. 1947 c. 8, s. 92
80. [1947] 2 W.W.R. 856 (Alta. S.C.)
81. ibid at p. 863

NOTES - Conclusion

1. Manning UAA, Interview No.38, p. 4.
2. ibid p. 60.
3. Calgary Herald, August 9, 1969.
4. Alberta Labour Act, S.A. 1973, c. 33.
5. Separate legislation for the organized union movement and unorganized worker standards was created in 1980. Labour Relations Act, S.A. 1980, c. 72; Employment Standards Act, S.A. 1980, c. 62.
6. For example, the construction industry,. where a separate Part 3 of the Labour Relations Code, S.A. 1988, c. L-1.2 provides for Construction Industry Labour Relations.
7. Labour Relations Code, supra, s. 94.

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